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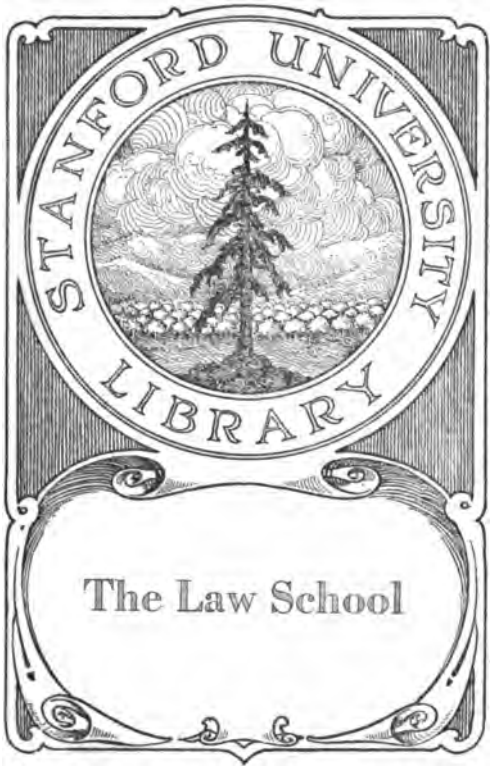

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THE STATE OF OHIO

LEGISLATIVE ACTS

PASSED

AND

JOINT RESOLUTIONS

Adopted

BY THE

EIGHTIETH GENERAL ASSEMBLY

At its special session

WHICH BEGAN JANUARY 19, 1914.

VOLUME CIV

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GENERAL LAWS

[House Bill No. 4.]

AN ACT

To supplement section 9955 of the General Code by the enactment of supplemental sections 9955-1 and 9955-2, to authorize the interchangeable use of the words "academy," "college" and "university."

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 9955 of the General Code be supplemented by the enactment of supplemental sections 9955-1 and 9955-2 to read as follows:

Interchangeable use of the words "academy," "college" and "university."

Sec. 9955-1. A corporation formed for the promotion of academic, collegiate or university education under religious influences, and connected with any religious sect, association, or denomination, and to which, whether it be a conference, association, presbytery, synod, general assembly, convocation, or otherwise, it has granted the right to appoint its trustees or directors, or any number thereof, and which has incorporated into its charter or certificate of incorporation as a part of its corporate name either one or more of the words "academy," "college," or "university," may use one or more of said words not so incorporated therein interchangeably with said word or words which may have been incorporated therein to the same extent and as fully as the word or words so incorporated therein has or have been heretofore used in the name of such corporation, when authorized so to do by a resolution adopted by a majority vote of its trustees, or directors at any regular meeting, or special meeting called for that purpose. Provided that a copy of such resolution certified by the clerk or secretary of such trustees or directors, and accompanied by a resolution of consent passed by such one of such ecclesiastical bodies as aforesaid, with which such corporation is connected, and certified by its clerk or secretary, shall first be filed in the office of the Secretary of State, and a certified copy thereof shall have been issued to and received by said clerk or secretary of such trustees or directors.

Use of interchangeable words does not affect the right or title to any gift, grant, devise or bequest.

Sec. 9955-2. Nothing herein contained, or the interchangeable use of said word or words, as herein provided and authorized, shall be held or construed as abolishing the use of the original corporate name of such corporation, or as affecting the title, right or possession of such corporation to, or of, any gift, grant, devise, or bequest heretofore, or hereafter made to it, whether the same shall have been

made or shall be made in the original corporate name, or in one or more of said interchangeable names, or in all of such names: And the use of such original incorporate name, or one or more of such interchangeable names shall be held and construed as vesting in such corporation all gifts, grants, devises, and bequests as fully and to the same extent as if the same had been made in the name of the original incorporated name.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 27th, 1914.
Approved February 11th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1914. 1 G.

[House Bill No. 8.]

AN ACT

To make further provision for collecting, installing and maintaining an exhibit of the products and resources of the state of Ohio at the Panama-Pacific International Exposition in 1915 and to make an appropriation therefor.

WHEREAS, On the 31st day of May, 1911, the seventy-ninth General Assembly passed an act providing that the governor of this state shall act as Panama-Pacific exposition commissioner for the purpose of installing, maintaining and exhibiting the products and resources of this state at the Panama-Pacific International Exposition, with power as such commissioner to have full and exclusive charge and control of said exhibit and the maintenance and installation thereof, and with power to appoint and employ deputy commissioners and all other persons necessary for the purpose of carrying out the provisions of said act, upon such terms and salaries as he shall deem to be fair and reasonable; and

WHEREAS, Under the terms of said act a board of deputy commissioners and a directing commissioner for Ohio at such exposition have been appointed and a location has been selected for a state building in which to house and exhibit properly the products of this state at said exposition; and

WHEREAS, It is of great importance that the natural resources, industrial development, and general progress of the state of Ohio should be fully and creditably displayed to the world at said exposition; therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor is hereby authorized

and empowered to appoint a special commissioner as Directing Commissioner for Ohio at such exposition, which directing commissioner shall have such exclusive powers and duties with regard to such exposition as the governor may confer upon him and shall receive such compensation for his services as the governor may prescribe. The governor may fill all vacancies in the position of deputy commissioner or directing commissioner and may remove from office any person appointed under this act or the act of May 31, 1911.

Directing commissioner at the Panama-Pacific international exposition. Appointment, vacancies.

SECTION 2. That to further carry out the provisions of the act heretofore mentioned, passed May 31, 1911, there is hereby appropriated from any moneys in the state treasury to the credit of the general revenue fund, and not otherwise appropriated, the sum of one hundred thousand dollars, for the purpose of erecting a state building in which to house and exhibit the state products, of securing complete and creditable display of the interests of the state at such international exposition and of paying the expenses and compensation, including such as have already been incurred and remain unpaid, of said board of deputy commissioners and such directing commissioner and the state auditor is hereby directed to draw his warrant from time to time for such portions of said sum so hereby appropriated and in favor of such persons as said board of deputy commissioners or directing commissioner shall designate and the state treasurer is hereby directed and empowered to pay the same.

Appropriation.

SECTION 3. Such board of deputy commissioners and directing commissioner shall make a report of their proceedings and expenditures to the governor monthly, and at any other time when he may make request therefor in writing, to be by him transmitted to the General Assembly, together with such suggestions as he may deem important regarding provisions for a complete and creditable representation of the state at such international exposition.

Report of proceedings and expenditures.

SECTION 4. This act is hereby declared to be an emergency act and that its enactment is necessary for the immediate preservation of the public safety. The necessity therefor lies in the fact that in view of the rapidly increasing cost of construction and materials, said board of deputy commissioners and directing commissioner should be authorized to proceed at once to contract for the construction and erection of said state building.

Emergency act.

This act is special and requires no sectional number.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 28th, 1914.
Approved February 11th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1914.

2 S.

[House Bill No. 1.]

AN ACT

To amend section 3609 of the General Code (as contained in the act entitled "An act to amend sections 6290 et al. of the General Code," 103 O. L. page 763), relating to motor vehicles.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3609 of the General Code (as contained in the act entitled "An act to amend sections 6290, 6294, 6295, 6298, 6299, 6300, 6301, 6302, 6309, 12613, and 12614 of the General Code, relating to motor vehicles," 103 O. L. page 763), be amended to read as follows:

Fees paid weekly into state treasury; application of surplus.

Sec. 6309. The revenues derived by registration fees provided for in this chapter shall be paid by the secretary of state weekly into the state treasury. Any surplus of such revenues which may remain after the payment of the expenses incident to carrying out and enforcing the provisions of this chapter shall be used for the repair, maintenance, protection, policing and patroling of the public roads and highways of this state, under the direction, supervision and control of the state highway department.

The sectional number herein, is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 3609 of the General Code (as contained in the act entitled "An act to amend sections 6290 et al. of the General Code, relating to motor vehicles," 103 O. L. page 763) be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 2nd, 1914.
Approved February 11th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1914. 3 G.

[House Bill No. 7.]

AN ACT

To supplement section 131 of the General Code by section 131-1 relating to affidavits by notaries public.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 131 of the General Code be supplemented by section 131-1 to read as follows:

Penalty for certifying affidavit without administering oath.

Sec. 131-1. Whoever being a notary public certifies to the affidavit of a person without administering the oath or affirmation to such person is guilty of a misdemeanor and shall be fined not more than one hundred dollars or imprisoned not more than thirty days, or both, and removed

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

from office by the court of common pleas of the county in which the conviction was had. The court shall thereupon certify such removal to the governor. The person so removed shall be ineligible to reappointment for a period of three years.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 30th, 1914.
Approved February 11th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1914. 4 G.

[House Bill No. 9.]

AN ACT

To amend section 12842 of the General Code, relating to perjury in connection with nominating, initiative, supplementary, and referendum petitions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12842 of the General Code be amended to read as follows:

Sec. 12842. Whoever, either orally or in writing, on oath lawfully administered, wilfully and corruptly states a falsehood as to a material matter in a proceeding before a court, tribunal or officer created by law, or in a matter in relation to which an oath is authorized by law, including an oath taken by any person making any affidavit required for verifying or filing a nominating, initiative, supplementary or referendum petition, or part thereof, is guilty of perjury and shall be imprisoned in the penitentiary not less than one year nor more than ten years.

Penalty for false affidavit before court or officer, or in verifying nominating, initiative, supplementary or referendum petition.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 12842 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 30th, 1914.
Approved February 11th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 13th, 1914. 5 G.

[House Bill No. 3.]

AN ACT

To amend sections 4949, 4952, 4963, 5004, 5006, 5018, 5094, and 5097 of the General Code, to supplement section 4828 by enacting supplemental sections to be known as 4828-2 and 4828-3 and to repeal section 4968, relative to the nomination and election of United States senators.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4949, 4952, 4963, 5004, 5006, 5018, 5094 and 5097 of the General Code be amended and that section 4828 be supplemented by the enactment of supplemental sections to be known as 4828-2 and 4828-3, to read as follows:

Election of United States senators by the electors of the state. Notice of election.

Sec. 4828-2. On the first Tuesday after the first Monday in November, 1914, and every sixth year thereafter, and on the first Tuesday after the first Monday in November, 1916, and every sixth year thereafter, the electors of the state shall vote for a member of the senate of the United States, each for the term commencing on the 4th day of March next succeeding his election. Notice of such elections shall be given by the proper sheriffs of the several counties of the state at the same time and in the same manner as is provided for in section 4827 for the election of state officers.

Vacancy in representation in the U. S. senate, how filled. Special election.

Sec. 4828-3. When by death, resignation or otherwise, a vacancy occurs in the representation of this state in the senate of the United States, the same shall be filled forthwith by appointment by the governor who shall have power to appoint to fill such vacancy some suitable person having the necessary qualifications for senator, which appointee shall hold office until the fifteenth day of December next succeeding the next election of state officers which occurs more than one hundred and eighty days after such vacancy happens. At such next election of state officers a special election to fill such vacancy in the office of United States senator shall be held, which special election shall be governed in all respects by the laws of this state controlling regular elections for such office. Candidates to be voted for at such special election shall be nominated in the same manner as is provided for the nomination of candidates at regular elections. At least one hundred and eighty days prior to the date of such election of state officers the governor shall issue a writ, directing that a special election be held to fill such vacancy as herein provided. Such writ shall be directed to the state supervisor of elections and a copy thereof sent by mail to the sheriff of each county in the state who shall give notice of the time and place of holding such special election in the same manner and at the same time provided in section 4827 for giving similar notice for regular elections.

Writ issued by governor directing special election to state supervisor of elections. Copy to sheriffs.

How candidates for public offices nominated.

Sec. 4949. Candidates for member of the senate and house of representatives in the congress of the United States and for all elective state, district, county and municipal offices, delegates and alternates to national and state conventions and members of the controlling committees of all voluntary political parties or associations in this state which at the next preceding general election polled for its candidate for governor in the state or any district, county or subdivision thereof, or municipality, at least ten per cent. of the entire vote cast therein for governor, shall be nominated or selected in such state, district, subdivision or municipality, in accordance with the provisions of this chapter, and persons not so nominated shall not be considered candidates and their names shall not be printed on the official ballots, nor shall delegates or alternates to such conventions, or party controlling committees whose members have not been so selected, be recognized by any board or officer.

Nomination of candidates for state offices. United States senator and congressman-at-large.

Sec. 4952. Candidates for state offices, United States senator and congressman-at-large shall be nominated by direct vote of the people in the manner following. Each person so desiring to become a candidate for an office above enumerated shall file with the state supervisor of elections a petition signed by the electors of the state who are members of the political party to which such candidate belongs, not less in number than two per cent. of the vote cast in the state for the candidate for governor of such party at the last general election. Such petitions shall be prepared and filed with the state supervisor of elections in the following manner. All petitions signed in any county of the state shall be filed with the board of deputy state supervisors of elections of such county prior to the sixtieth day before the date of the primary election and shall remain open to public inspection in the office of such board for a period of five days immediately prior to the fifty-fifth day before such primary, during which time objections may be filed thereto and the same heard by such board, which shall on or before the fiftieth day before such primary transmit such petitions and objections, if any, to the state supervisor of elections together with a copy of its findings on such objections, if any, and a certificate stating the number of bona fide electors of such county whose names appear attached thereto.

Filing petitions.

Time of holding primaries for all elective offices.

Sec. 4963. Primaries under this chapter to nominate candidates for member of the house of representatives in the congress of the United States, and for all elective state, district and county offices, and to select committeemen, shall be held in each county at the usual polling places on the second Tuesday in August of the even numbered years; and primaries under this chapter to nominate candidates for township and municipal offices, justices of the peace and members of boards of education shall be held in each county at the usual polling places on the second Tuesday in August of the odd numbered years. Primaries to nom-

inate candidates for United States senator shall be held on the second Tuesday in August of the years in which such senators are to be elected.

Sec. 5004. Certificates of nomination and nomination papers of candidates shall be filed as follows:

Where and when certificates of nomination and nomination papers shall be filed.

For state officers, presidential electors, United States senator and congressman-at-large, with the state supervisor of elections in the manner following. All petitions signed in any county of the state shall be filed with the board of deputy state supervisors of elections of such county prior to the sixtieth day before the date of the election and shall remain open to public inspection in the office of such board for a period of five days immediately prior to the fifty-fifth day before such election, during which time objections may be filed thereto and the same heard by such board, which shall, on or before the fiftieth day before such election, transmit such petitions and objections, if any, to the state supervisor of elections together with a copy of their findings on such objections, if any, and a certificate stating the number of bona fide electors of such county whose names appear attached thereto;

For offices to be filled by the electors of a district, or subdivision of a district, composed of two or more counties, with the chief deputy state supervisor of the county in the district, or subdivision, containing the greatest number of inhabitants, as ascertained by the last federal census, not less than sixty days previous to the day of election.

For county offices or offices to be filled by the electors of a district lying within a county, with the board of deputy state supervisors of the county, not less than sixty days previous to the date of election;

For township or municipal officers, justices of the peace, or members of the board of education, with the board of deputy state supervisors of the county, not less than sixty days previous to the date of election;

For municipal officers and for members of boards of education in municipalities, situated in two or more counties, with the board of deputy state supervisors of the county containing the majority population of such municipality, not less than sixty days previous to the day of election.

Consideration of objections and other questions to nominations.

Sec. 5006. Such objections or other questions, arising in the course of the nomination of candidates, shall be considered as follows:

For state officers, United States senator, congressman-at-large and presidential electors, by the state supervisor of elections, and his decision shall be final;

For district offices or offices in a subdivision of a district, by the chief deputies and clerks of the boards of deputy state supervisors of the several counties comprising the district or subdivision, and their decision shall be final;

For county offices and offices of a district lying within a county, by the board of deputy state supervisors of the county and its decision shall be final;

For township or municipal offices, justices of the peace, or members of the board of education, by the board of deputy state supervisors of the county, and its decision shall be final;

In municipalities situated in two or more counties, such objections or other questions may be submitted by the board of deputy state supervisors of the county where filed, directly to the state supervisor, and his decision shall be final.

Arrangement of ballot.

Sec. 5018. In general the arrangement of the ballot shall conform as nearly as practicable to the plan hereinafter given. The tickets of the various political parties shall be printed in parallel columns headed by the chosen device upon a shaded background, and the party names in such order as the secretary of state directs, precedence being given to the political party which held the highest number of votes for governor at the next preceding November election, and so on. The tickets, or lists, of candidates nominated by nomination papers, with their party names or designations, shall be printed at the right of and parallel with the tickets of political parties in such order as the secretary of state directs, precedence being given to the order herein prescribed for party tickets. No ticket or list of candidates containing more candidates for any office than are to be elected shall be printed under the name of any party.

Opening returns; abstracts to be made.

Sec. 5094. Within five days after the election, or sooner in case the returns are made, the board of deputy state supervisors of the county shall open the several returns made to it and make abstracts of the votes in the following manner:

1. Upon a single sheet an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state and attorney general.

2. Upon another sheet an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court, judge of the supreme court, United States senator and for representatives to congress.

3. Upon another sheet an abstract of votes for governor, lieutenant governor, secretary of state, auditor of state, treasurer of state, attorney general, chief justice of the supreme court, judge of the supreme court, judge of the court of appeals, judge of the common pleas court, United States senator, representatives to congress, senators and representatives to the general assembly, judge of the probate court, clerk of the common pleas court, sheriff, county auditor, county commissioner, county treasurer, county recorder, county surveyor, prosecuting attorney and coroner.

4. And upon another sheet an abstract of votes for each elector of president and vice president of the United States.

Sec. 5097. Within ten days after the first day of

Canvass of returns of abstract number two.

December next after such election, the governor and secretary of state, in the office of the secretary of state, in the presence of the auditor of state and attorney general, shall open the returns of abstract number two, made to the secretary of state for judge of the supreme court, for United States senator and representatives to congress from each congressional district. If it appears that returns have been received from all the counties in accordance with the provisions of this chapter, the governor and secretary of state forthwith shall proceed to ascertain the number of votes given for the different persons for such offices.

The sectional numbers herein are in conformity to the General Code.

SECTION 2. That said original sections 4949, 4952, 4963, 4968, 5004, 5006, 5018, 5094 and 5097 of the General Code be and the same are hereby repealed.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 2nd, 1914.
Approved February 14th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 17th, 1914. 6 G.

[House Bill No. 51.]

AN ACT

To amend section 5649-1 of the General Code and to supplement the same by the enactment of a supplementary section to be known as 5649-1a, relating to levies for sinking fund and interest purposes.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5649-1 of the General Code be amended and that it be supplemented by the enactment of a supplementary section to be known as section 5649-1a, to read as follows:

Sec. 5649-1. In any taxing district, the taxing authority shall, within the limitations now prescribed by law, levy a tax sufficient to provide for sinking fund and interest purposes for all bonds issued by any political subdivision, which tax shall be placed before and in preference to all other items, and for the full amount thereof.

Levy for sinking fund and interest.

Former bonds shall be legal.

Sec. 5649-1a. All bonds heretofore issued by any political subdivision for a lawful purpose which have been sold for not less than par and accrued interest and the proceeds thereof paid into the treasury, shall be held to be legal, valid and binding obligations of the political subdivision issuing the same.

Repeal.

SECTION 2. That said original section 5649-1 of the General Code be and the same is hereby repealed.

Emergency act.

SECTION 3. This act is hereby declared to be an emergency law, necessary for the immediate preservation

of the public peace, health and safety. Such necessity arises from the fact that many public improvements are in the course of construction and can not be completed except by the issue of bonds; that by recent judicial construction a doubt has arisen about power to issue bonds which would cause delay in the completion of said public improvements, which completion is necessary to the public health and safety.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.
Approved February 14th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 17th, 1914. 7 G.

[House Bill No. 19.]

AN ACT

To prevent floods, to protect cities, villages, farms and highways from inundation, and to authorize the organization of drainage and conservation districts.

Be it enacted by the General Assembly of the State of Ohio:

1. SHORT TITLE AND INTERPRETATION.

Section 6828-1. SECTION 1. TERMS DEFINED. This act may be known and cited as the "Conservancy Act of Ohio"; the bonds which may be issued hereunder may be briefly called "Conservancy Bonds," and shall be so engraved or printed on their face; the districts created hereunder shall be briefly termed "Conservancy Districts"; the tax books and records provided for hereunder shall be termed "Conservancy Books" or "Conservancy Records," and such titles shall be printed, stamped or written thereon. Terms defined.

Wherever the term "publication" is used in this act and no manner specified therefor, it shall be taken to mean once a week for three consecutive weeks in each of two newspapers of different political affiliations (if such newspapers there be) and of general circulation in the county or counties wherein such publication is to be made. It shall not be necessary that publication shall be made on the same day of the week in each of the three weeks; but not less than fourteen days (excluding the day of the first publication), shall intervene between the first publication and the last publication, and publication shall be complete on the date of the last publication.

Wherever the term "person" is used in this act, and not otherwise specified, it shall be taken to mean person, firm, copartnership, association or corporation, other than county, township, city, village or other political subdivision. Similarly, the words "public corporation" shall be taken to mean counties, townships, cities, villages, school districts, road districts, ditch districts, park districts, levee districts, and all other governmental agencies clothed with the power of levying general or special taxes.

Wherever the term "court" is used, and not otherwise specified, it shall be taken to mean the court of common pleas wherein the petition for the organization of the district was filed and granted.

Wherever the terms "land" or "property" are used in this act they shall, unless otherwise specified, be held to mean real property, as the words "real property" are used in and defined by the laws of the State of Ohio, and shall embrace all railroads, tramroads, roads, electric railroads, street and interurban railroads, streets and street improvements, telephone, telegraph, and transmission lines, gas, sewerage and water systems, pipe lines and rights of way of public service corporations, and all other real property whether public or private.

II. ORGANIZATION OF DISTRICT.

Section 6828-2. SECTION 2. COURT OF COMMON PLEAS TO ORGANIZE DISTRICTS. The court of common pleas of any county in this state, or any judge thereof in vacation, is hereby vested with jurisdiction, power and authority, when the conditions stated in the third section of this act are found to exist, to establish conservancy districts, which may be entirely within, or partly within and partly without, the county in which said court is located, for all or any of these purposes:

Purposes for which districts may be organized.

(a) of preventing floods;

(b) of regulating stream channels by changing, widening and deepening the same;

(c) of reclaiming or of filling wet and overflowed lands;

(d) of providing for irrigation where it may be needed;

(e) of regulating the flow of streams;

(f) of diverting, or in whole or in part eliminating water courses;

and incident to such purposes and to enable their accomplishment, to straighten, widen, deepen, change, divert, or change the course or terminus of, any natural or artificial water course; to build reservoirs, canals, levees, walls, embankments, bridges or dams; to maintain, operate and repair any of the construction herein named; and to do all other things necessary for the fulfillment of the purposes of this act.

Section 6828-3. SECTION 3. PETITION. Before any court shall estab-

lish a district as outlined in section 2, a petition shall be filed in the office of the clerk of said court, signed either by five hundred freeholders, or by a majority of the free holders, or by the owners of more than half of the property, in either acreage or value, within the limits of the territory proposed to be organized into a district. Such a petition may be signed by the governing body of any public corporation lying wholly or partly within the proposed district, in such manner as it may prescribe, and when so signed by such governing body such a petition on the part of the said governing body shall fill all the requirements of representation upon such petition of the freeholders of such public corporation, as they appear upon the tax duplicate; and thereafter it shall not be necessary for individuals within said public corporation to sign such a petition. Such a petition may also be signed by railroads and other corporations owning lands.

Petition; what it shall set forth.

And such petition may also be filed by any city or cities interested in some degree in the improvement, upon proper action by their governing bodies.

The petition shall set forth:

First: The proposed name of said district.

Second: The necessity for the proposed work and that it will be conducive to the public health, safety, convenience or welfare.

Third: A general description of the purpose of the contemplated improvement, and of the territory to be included in the proposed district. Said description need not be given by metes and bounds or by legal subdivisions, but it shall be sufficient if a generally accurate description is given of the territory to be organized as a district. Said territory need not be contiguous, provided it be so situated that the public health, safety, convenience or welfare will be promoted by the organization as a single district of the territory described.

Fourth: Said petition shall pray for the organization of the district by the name proposed.

No petition with the requisite signature shall be declared null and void on account of alleged defects, but the court may at any time permit the petition to be amended in form and substance to conform to the facts, by correcting any errors in the description of the territory, or in any other particular. Several similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and shall together be regarded as one petition. All such petitions filed prior to the hearing on said petition shall be considered by the court the same as though filed with the first petition placed on file.

In determining when a majority of land owners have signed the petition the court shall be governed by the names as they appear upon the tax duplicate, which shall be prima facie evidence of such ownership.

Section 6828-4. SECTION 4. BOND OF PETITIONERS.—At the time of filing the petition, or at any time subsequent thereto and

Bond of petitioners.

prior to the time of the hearing on said petition, a bond shall be filed, with security approved by the court, sufficient to pay all the expenses connected with the proceeding in case the court refuses to organize the district. If at any time during the proceeding the court shall be satisfied that the bond first executed is insufficient in amount, it may require the execution of an additional bond within a time to be fixed to be not less than ten days distant, and upon failure of the petitioners to execute the same the petition shall be dismissed.

Section 6828-5. Notice of hearing; jurisdiction of court.

SECTION 5. NOTICE OF HEARING ON PETITION.—Immediately after the filing of such petition, the clerk of the court with whom such petition is filed shall cause notice by publication, (form 1, schedule), to be made of the pendency of the petition and of the time and place of the hearing thereon.

The court of common pleas of the county in which the petition was filed shall thereafter, for all purposes of this act, except as hereinafter otherwise provided, maintain and have original and exclusive jurisdiction co-extensive with the boundaries and limits of said district and of lands and other property proposed to be included in said district or affected by said district, without regard to the usual limits of its jurisdiction.

Section 6828-6. Hearing on petition; decree.

SECTION 6. HEARING ON PETITION.—ORGANIZATION OF DISTRICT.—Any owner of real property in said proposed district who individually may not have signed such a petition and who wishes to object to the organization and incorporation of said district shall, on or before the date set for the cause to be heard, file his objections why such district should not be organized and incorporated. Such objections shall be limited to a denial of the statements in the petition, and shall be heard by the court as an advanced case without unnecessary delay.

Upon the said hearing, if it shall appear that the purposes of this act would be subserved by the creation of a conservancy district, the court shall, after disposing of all objections as justice and equity require, by its findings, duly entered of record, adjudicate all questions of jurisdiction, declare the district organized and give it a corporate name, by which in all proceedings it shall thereafter be known, and thereupon the district shall be a political subdivision of the State of Ohio, a body corporate with all the powers of a corporation, shall have perpetual existence, with power to sue and be sued, to incur debts, liabilities and obligations; to exercise the right of eminent domain and of taxation and assessment as herein provided; to issue bonds and to do and perform all acts herein expressly authorized and all acts necessary and proper for the carrying out of the purposes for which the district was created, and for executing the powers with which it is invested.

In such decree the court shall designate the place where the office or principal place of business of the district shall be located, which shall be within the corporate limits of

the district if practicable, and which may be changed by order of court from time to time. The regular meetings of the board of directors shall be held at such office or place of business, but for cause may be adjourned to any other convenient place. The official records and files of the district shall be kept at the office so established.

If the court finds that the property set out in said petition should not be incorporated into a district, it shall dismiss said proceeding and adjudge the costs against the signers of the petition, in the proportion of the interest represented by them. Any petitioner may, within twenty days after the refusal, appeal from an order refusing to establish such district, to the court of appeals of said county, upon giving bond in a sum to be fixed by the court.

Effect of order establishing district.

After an order is entered establishing the district, such order shall be deemed final and binding upon the real property within the district and shall finally and conclusively establish the regular organization of the said district against all persons except the State of Ohio upon suit commenced by the attorney general. Any such suit must be commenced within three months after said decree declaring such district organized as herein provided, and not otherwise. The organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized.

District in more than one county.

In case of a district lying in more than one county, one common pleas judge of each of the counties having land in the district shall sit as a court in the court house where the original petition was filed, to make the findings required by this section and by section 12 herein. A majority of said judges shall be necessary to render a decision. In case of a tie, said matter shall be forthwith certified to the court of appeals of said county, and said court shall hear and determine said matter as an advanced case in preference to all other business.

Section 6828-7

Decree of incorporation filed with secretary of state; copy with county recorder.

SECTION 7. DECREE OF INCORPORATION FILED.—Within thirty days after the said district has been declared a corporation by the court, the clerk of the court shall transmit to the secretary of state, and to the county recorder in each of the counties having lands in said district, copies of the findings and the decree of the court incorporating said district. The same shall be filed and recorded in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed and recorded under the general law concerning corporations, and copies shall also be filed in the office of the county recorder of each county in which a part of the district may be, where they shall become permanent records; and the recorder in each county shall receive a fee of one dollar for filing and preserving the same, and the secretary of state shall receive for filing and for recording said copies such fees as now are or hereafter may be provided by law for like services in similar cases.

III. ORGANIZATION OF BOARD.—ITS POWERS AND DUTIES.

Section 6828-8

Appointment of directors.

SECTION 8. APPOINTMENT OF DIRECTORS.—Within thirty days after entering the decree incorporating said district, the court shall appoint three persons, at least two of whom shall be resident freeholders within the district, as a board of directors of the district—one for a term of three years, one for a term of five years and one for a term of seven years. At the expiration of their terms of office appointments shall be made for terms of five years. The court shall fill all vacancies which may occur on the said board.

In case of a district lying in more than one county, appointments of directors under this section, and of appraisers under section 26 of this act shall not be effective until approved by a majority of the judges constituting the court provided for in section 6 of this act.

Section 6828-9

Organization of board; record of proceedings.

SECTION 9. BOARD OF DIRECTORS TO ORGANIZE. Each director before entering upon his official duties shall take and subscribe to an oath before a suitable officer that he will honestly, faithfully and impartially perform the duties of his office, and that he will not be interested directly or indirectly in any contract let by said district, which said oath shall be filed in the office of the clerk of said court in the original case. Upon taking the oath, the board of directors shall choose one of their number president of the board, and shall elect some suitable person secretary, who may or may not be a member of the board. Such board shall adopt a seal, and shall keep in a well-bound book a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts, which shall be open to the inspection of all owners of property in the district, as well as to all other interested parties.

Section 6828-10.

Quorum.

SECTION 10. QUORUM. A majority of the directors shall constitute a quorum, and a concurrence of the majority in any matter within their duties shall be sufficient for its determination.

Section 6828-11.

Custodian of records and seal; duties of secretary.

SECTION 11. MAY EMPLOY AGENTS. The secretary shall be the custodian of the records of the district and of its corporate seal and shall assist the board in such particulars as it may direct in the performance of its duties. It shall be the duty of the secretary to attest, under the corporate seal of the district, all certified copies of the official records and files of the district that may be required of him by the provisions of this act, or by any person ordering the same and paying the reasonable cost of transcription. And any portion of the record so certified and attested shall prima facie import verity. The secretary shall serve also as treasurer of the district, unless a treasurer is otherwise provided for by the board. The board may also employ a chief engineer who may be an individual, copartnership or corporation; an attorney; and such other

Contracts with employees shall be in writing.

engineers, attorneys and other agents and assistants as may be needful; and may provide for their compensation, which, with all other necessary expenditures, shall be taken as a part of the cost of the improvement. The employment of the secretary, treasurer, chief engineer and attorney for the district shall be evidenced by agreements in writing, which, so far as possible, shall specify the amounts to be paid for their services. The chief engineer shall be superintendent of all the works and improvements, and shall make a full report to the board each year, or oftener if required, and may make such suggestions and recommendations to the board as he may deem proper.

Report by chief engineer.

Section 6828-12. SECTION 12. TO PREPARE PLANS. Upon their qualification, the board shall prepare or cause to be prepared a plan for the improvements for which the district was created. Such plan shall include such maps, profiles, plans and other data and descriptions as may be necessary to set forth properly the location and character of the work, and of the property benefited or taken or damaged, with estimates of cost and specifications for doing the work.

Plans for improvements with cost and specifications.

In case the board of directors finds that any former survey made by any other district or in any other manner is useful for the purposes of the district, the board of directors may take over the data secured by such survey, or such other proceedings as may be useful to it, and may pay therefor an amount equal to the value of such data to said district. No construction shall be made under the authority of this act which will cause the flooding of any village or city or which will cause the water to back up into any village or city, unless the board of directors shall have acquired and paid for the right to use the land affected for such purpose, and shall have paid all damages incident thereto. No railroad shall be required to be constructed with a grade in excess of the minimum ruling grade then existing upon that division of said railroad whereon said change is required.

Upon the completion of such plan, the board shall cause notice by publication to be given as provided in section 1 herein in each county of said district, of such completion of said plan, and shall permit the inspection thereof at their office by all persons interested. Said notice shall fix the time and place for the hearing of all objections to said plan not less than twenty days nor more than thirty days after the last publication of said notice. All objections to said plan shall be in writing and filed with the secretary of said board at his office not more than ten days after the last publication of said notice. After said hearing before the board of directors, the said board shall adopt a plan as the official plan of the said district. If, however, any person or persons object to said official plan, so adopted, then such person or persons may, within ten days, from the adoption of said official plan, file their objections in writing, specifying the features

Notice; hearing of objections.

of the plan to which they object, in the original case establishing the district in the office of the clerk of said court, and he shall fix a day for the hearing thereof before the court, not less than twenty days nor more than thirty days after the time fixed for filing objections, at which time the judges, sitting as a court as provided for in section 6 herein, for the organization of the district, shall meet at the court house of the county where said original case is pending and hear said objections and adopt, reject or refer back said plan to said board of directors. A majority of the judges shall control and in case of a tie, shall proceed as provided in section 6 herein. If said court should reject said plan, then said board shall proceed as in the first instance under this section to prepare another plan. If the court should refer back said plan to said board for amendment, then the court shall continue the hearing to a day certain without publication of notice. If the said court should approve said plan as the official plan of said district, then a certified copy of said journal of said court shall be filed with the secretary of the board of directors, and by him incorporated into the records of the district. The official plan may be altered in detail from time to time until the assessment roll is filed, and of all such alterations the appraisers shall take notice. But after the assessment roll has been filed in court no alterations of the official plan shall be made except as in section 37 hereof provided.

Section 6828-13. Authority to execute and maintain and operate works.

SECTION 13. TO EXECUTE WORKS. The board of directors shall have full power and authority to devise, prepare for, execute, maintain and operate any or all works or improvements necessary or desirable to complete, maintain, operate and protect the official plan. They may secure and use men and equipment under the supervision of the chief engineer or other agents, or they may in their discretion let contracts for such works, either as a whole or in parts.

Section 6828-14. Right to enter upon lands.

SECTION 14. MAY ENTER UPON LANDS. The board of directors of any district organized under this act, or their employees or agents, including contractors and their employees, and the members of the board of appraisers and their assistants, may enter upon lands within or without the district in order to make surveys and examinations to accomplish the necessary preliminary purposes of the district, or to have access to the work, being liable, however, for actual damage done, but no unnecessary damage shall be done. Any person or corporation preventing such entrance shall be guilty of misdemeanor, punishable by fine not exceeding fifty dollars.

Section 6828-15. General powers.

SECTION 15. GENERAL POWERS. In order to effect the protection, reclamation or irrigation of the land and other property in the district, and to accomplish all other purposes of the district, the board of directors is authorized and empowered to clean out, straighten, widen,

alter, deepen or change the course or terminus of any ditch, drain, sewer, river, water course, pond, lake, creek or natural stream in or out of said district; to fill up any abandoned or altered ditch, drain, sewer, river, water course, pond, lake, creek or natural stream, and to concentrate, divert or divide the flow of water in or out of said district; to construct and maintain main and lateral ditches, sewers, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and siphons, and any other works and improvements deemed necessary to construct, preserve, operate or maintain the works in or out of said district; to construct or enlarge or cause to be constructed or enlarged any and all bridges that may be needed in or out of said district; to construct or elevate roadways and streets; to construct any and all of said works and improvements across, through or over any public highway, canal, railroad right of way, track, grade, fill or cut, in or out of said district; to remove or change the location of any fence, building, railroad, canal, or other improvements in or out of said district; and shall have the right to hold, encumber, control, to acquire by donation, purchase or condemnation, to construct, own, lease, use and sell real and personal property, and any easement, riparian right, railroad right of way, canal, cemetery, sluice, reservoir, holding basin, mill dam, water power, wharf, or franchise in or out of said district for right of way, holding basin or for any necessary purpose, or for material to be used in constructing and maintaining said works and improvements, to replat or subivide land, open new roads, streets and alleys. or change the course of an existing one.

ction 6828-16. SECTION 16. TO ADVERTISE AND LET CONTRACTS. When it is determined to let the work by contract, contracts in amounts to exceed one thousand dollars shall be advertised after notice calling for bids shall have been published, once a week for five consecutive weeks completed on date of last publication, in at least one newspaper of general circulation within said district, where the work is to be done, and the board may let said contract to the lowest or best bidder who shall give a good and approved bond, with ample security, conditioned on the carrying out of the contract. But said contract shall not be let to another than the lowest bidder unless upon a hearing before the court and upon notice to all parties interested, an order be obtained therefor. Such contract shall be in writing, and shall be accompanied by or shall refer to plans and specifications for the work to be done, prepared by the chief engineer. Said contract shall be approved by the board of directors and signed by the president of the board and by the contractor, and shall be executed in duplicate. Provided, that in case of sudden emergency when it is necessary in order to protect the district, the advertising of contracts may be waived upon the

Contracts which exceed $1,000 shall be let by competitive bidding.

unanimous consent of the board of directors, with the approval of the court or judge in vacation.

Section 6828-17. SECTION 17. DOMINANT RIGHT OF EMINENT DOMAIN.

Dominant right of eminent domain.

Said board, where necessary for the purposes of this act, shall have a dominant right of eminent domain over the right of eminent domain of railroad, telegraph, telephone, gas, water power and other companies and corporations, and over townships, villages, counties and cities.

In the exercise of this right due care shall be taken to do no unnecessary damage to other public utilities, and, in case of failure to agree upon the mode and terms of interference, not to interfere with their operation or usefulness beyond the actual necessities of the case, due regard being paid to the other public interests involved.

Section 6828-18. SECTION 18. MAY CONDEMN UNDER GENERAL LAW.

Condemnation under general law.

Said board shall also have the right to condemn for the use of the district, any land or property within or without said district not acquired or condemned by the court on the report of the appraisers, according to the procedure provided by law for the appropriation of land or other property taken for telegraph, telephone and railroad rights of way, instead of having appraisals and assessments made by the board of appraisers.

Section 6828-19. SECTION 19. MAY MAKE REGULATIONS TO PROTECT WORKS.

Regulations to protect works.

Where necessary in order to secure the best results from the execution and operation of the plans of the district, or to prevent damage to the district by the deterioration or misuse, or by the pollution of the waters, of any water course therein, the board of directors may make regulations for and may prescribe the manner of building bridges, roads or fences or other works in, into, along or across any channel, reservoir or other construction; and may prescribe the manner in which ditches or other works shall be adjusted to or connected with the works of the district or any water course therein; and, when not in conflict with the regulations of the state board of health, may prescribe the manner in which the water courses of the district may be used for sewer outlets or for disposal of waste.

Construction of works in harmful manner prohibited. Penalty.

The construction of any works in a manner harmful to the district or to any water course therein, and in a manner contrary to that specified by the directors, shall be a misdemeanor, punishable by a fine of not more than one thousand dollars. The directors shall have authority to enforce by mandamus or otherwise all necessary regulations made by them and authorized by this act, and may remove any harmful construction or may close any opening improperly made, and they are authorized to bring such suits in mandamus in the court of appeals in the first instance, if deemed advisable by them. Any person, corporation or municipality wilfully failing to comply with such regulations shall be liable for damage caused by such failure, and for the cost of renewing any construction damaged or destroyed.

tion 6828-20. SECTION 20. MAY REMOVE BRIDGES. Wherever the official plan requires the building, modification, removal or rebuilding of any bridge, grade, aqueduct or other construction, and a hearing upon the report of the appraisers has been had and a final order issued by the court for appraisals and assessments affecting such constructions, the owner of said bridge, grade, aqueduct or other structure shall be bound to make such changes or adjustments within the time specified in the official plan, or within the time directed by the court, which time shall be a reasonable one under all the circumstances. In case such changes or adjustments are not made, the board of directors may make such adjustments or removals. If the change or improvement of a natural water course is made necessary by the insufficiency of the bridge or other structure to permit the water of the stream to pass through it in times of high water, the work of altering or removing said bridge or other structure shall be at the expense of the owner. Before the removal or modification of any works outlined in this section, the board of directors shall give thirty days' notice to the owner of such bridge or such construction that the same be adapted to the plans. In case the owner of any bridge or other structure shall object to the modification or removal of such bridge or other structure on the ground that the cost of the modification or removal will be greater than the benefits resulting from such removal, a hearing shall be had before the court of common pleas having the original case, and if such contention is sustained, such modification or removal shall not be required.

Removal of bridge or other construction on final order.

The board of directors of any district organized under this law shall have full power and authority to improve in alignment, section, grade or in any other manner any water course, and they may require the removal, widening, lengthening, deepening, raising or other change of any public or private road bridge or railroad bridge or any aqueduct or telephone, telegraph, gas, oil, sewer, water or other pipe lines or any other construction over, along, across, under or through such water course. In case such change is made necessary in any such structure by the failure of such bridge or other structure to permit the free flow of the water in such stream in time of flood, then the owner of any such construction shall make such change without cost to the district, or without any claim for damages against the district, except that the district shall pay the cost of excavating the earth for the enlargement of any channel or for placing earth for the filling of any channel where such excavation or filling is required as a part of plans of the district in making the changes outlined in this section, but the district shall not be required to make such fill or excavation unless it would be necessary to the plans of the district if the bridge or other construction did not exist.

Change of water course and removal of any construction.

ection 6828-21. SECTION 21. PASSING EQUIPMENT THROUGH BRIDGE OR GRADE. In case it is necessary to pass any dredge

Passing equipment through bridge or grade; payment on itemized account.

boat or other equipment through a bridge or grade of any railroad company or other corporation, county, township, or municipality, the board of directors shall give twenty days' notice to the owner of said bridge or grade that the same shall be removed temporarily to allow the passage of such equipment or that an agreement be immediately entered into in regard thereto. The owner of said bridge or grade shall keep an itemized account of the cost of the removal, and, if necessary, of the replacing of said bridge or grade, and said actual cost shall be paid by the district. In case the owner of said bridge or grade shall refuse to provide for the passage of said equipment, the board of directors may remove such bridge or grade at its own expense, interrupting traffic in the least degree consistent with good work and without delay or unnecessary damage. In case they shall be prevented from doing so, the owner of said bridge or grade shall be liable for damage for the resulting delay.

Section 6828-22. Right to make surveys and investigations.

SECTION 22. MAY MAKE SURVEYS AND INVESTIGATIONS. The board of directors shall also have the right to establish and maintain stream gages, rain gages, a flood warning service with telephone or telegraph lines or telephone or telegraph service, and may make such surveys and examinations of rainfall and flood conditions, stream flow, and other scientific and engineering subjects as are necessary and proper for the purposes of the district, and they may issue reports of their findings.

Section 6828-23. Co-operation with U. S. government and contracts with other states.

SECTION 23. MAY CO-OPERATE WITH U. S. GOVERNMENT OR OTHER AGENCIES.—OUTLETS IN OTHER STATES. The board of directors shall also have the right and authority to enter into contracts or other arrangements with the United States government or any department thereof, with persons, railroads or other corporations, with public corporations, and the state governments of this or other states, with drainage, conservation, conservancy, or other improvement districts, in this or other states, for co-operation or assistance in constructing, maintaining, using and operating the works of the district or the waters thereof, not in violation of Article VIII of the constitution; or for making surveys and investigations or reports thereon; and may purchase, lease or acquire land or other property in adjoining states in order to secure outlets or for other purposes of this act, and may let contracts or spend money for securing such outlets or other works in adjoining states.

Section 6828-24. Rights as to water power and supply.

SECTION 24. WATER POWER AND SUPPLY. The rights of land-owners, municipalities, corporations, and other users of water to the waters of the district for domestic use, water supply, industrial purposes, for water power, or for any other purpose shall extend only to such rights as were owned by them prior to the organization of the district, and to such use as could be made of such waters if the improvements of the district had not been made. Wherever the organization of, or the improvements made by the district make possible a greater, better, or more convenient

use of, or benefit from, the waters of the district for any purpose, the right of such greater, better, or more convenient use of, or benefit from, such waters shall be the property of the district; and such rights may be leased, sold, or assigned by the district in return for reasonable compensation.

Where the district is a riparian owner along the streams of the district, it shall have in addition the rights which go with riparian ownership.

Rights exercised to promote general welfare.

All the rights and property of the district in the waters and water courses of the district, and in their uses, shall be exercised in such a manner as to promote the welfare of the district, and of all inhabitants thereof, and to promote the safest and most economical and reasonable use of the waters thereof; to encourage and promote industries and agriculture, and to pay the cost of the construction and maintenance of the improvement. Charges for such use shall not be greater than are necessary to accomplish these purposes.

Application to secure use of water or water courses.

Persons, corporations, municipalities, or other parties desiring to secure such use of the waters or water courses of the district, or of the district rights therein, may make application to the board of directors for lease, purchase, or permission for such use. Such application shall state the purpose and character of such use, the period and degree of continuity of such use, the amount of water desired and the place of use. In case any party makes greater, better or more convenient use of the waters of the district without formal application, the fact of such use shall serve all purposes of an application, and the board may proceed to determine a reasonable rate of compensation the same as though formal application had been made. Where it is not possible nor reasonable to grant all applications, preference shall be given to the greatest need and to the most reasonable use, as may be determined by the board of directors, subject to the approval of the court. Preference shall be given, first, to domestic and municipal water supply, and no charge shall be made for the use of water taken by private persons for home and farm yard use, or for watering stock; second, to supplying water used in processes of manufacture, for the production of steam, for refrigerating, cooling and condensing, and for maintaining sanitary conditions of stream flow; third, for irrigation, power development, recreation, fisheries and for other uses.

Permanent sale or lease prohibited.

The board of directors shall not permanently sell, lease, assign, permit or otherwise part with the control by the district of the use of the waters thereof, and rates for light, power or other services charged by vendees, assignees, lessees or licensees of such board of directors shall be subject at all times to revision and control by state law. Assignments, leases, sales or permissions may be made for periods of not greater than fourteen years. At the termination of the period of such assignments, sales, leases, or permissions, they shall be renewed for a reasonable period not

to exceed fourteen years, on the condition that a new determination is made of a reasonable charge therefor, as herein provided; unless there are other applications on file, the granting of which would result in filling a greater need or in a more reasonable use. In case such applications are on file, they shall have preference.

Power to make regulations for the better and more convenient use of water supply.

The board of directors may make regulations for the determination and measurement of the increased, or better, or more convenient use of, or benefit from the water supply of the district, for the purpose of determining rates of compensation, and for the purpose of securing to all parties interested the greatest and best use of the water thereof. The board shall have power to determine the rates of compensation for such greater, better, or more convenient use of, or benefit from the water supply of the district, which rates shall be reasonable, and may require bond to be given to secure the payment for such use. Upon the determination of any rate, or rates, the board shall make a report of its determination to the court. The court shall thereupon cause personal notice by summons to be given to the parties interested, stating that such a determination of rate has been made, that a hearing before the court will be had thereon on a certain day, and that objection may be made at such time to such determination of rates. A hearing may be had before the court, objections may be made and appeals taken in the same manner as in case of the appraisal of benefits. In case no appeal is made within the time provided, or upon the final determination of the matter by the court, the determination of such rates of compensation shall be conclusive and binding for the term and under the conditions specified in the lease or other agreement. In case of failure of any user to pay for use in the manner specified by order of the court, the board may compel payment, and may enjoin further use until such payment is made. The rights under any lease or sale shall not extend to a change of use, or of place, time, or manner of use, except in so far as is specifically stated in the lease or other agreement.

Payment for use of waters of district; how determined.

The compensation for greater, better, or more convenient use of, or benefit from the waters of the district, may be made by payment according to a unit price per cubic foot of water used, or by a unit price for theoretical horse power developed, or in any other reasonable measurement of value received by reason of the greater, better or more convenient use of, or benefit from, the waters of the district. All money received as compensation under the provisions of this paragraph shall be added to the funds of the district and used for defraying the expenses thereof.

How basis for assessment of benefits determined; report, hearing.

As a basis for assessment of benefits due to a greater, better, or more convenient use of, or benefit from, the waters of the district, the directors of the district may cause a determination to be made of the conditions of

the water supply and of the water courses of the district as they were before the improvements were made, or as they existed at any subsequent time, and they may make a determination of all rights, property, easements, or other interests in the waters, or the water courses of the district—such determination being based upon records of the greatest and least flow, upon the evidence of use, or evidence of legal rights, and upon any other evidence and records which may be available. Upon the completion of such determination, the directors of the district shall make their report thereon to the court. Thereupon notice shall be given of the pendency of said report and a hearing thereon, which notice and hearing shall conform as nearly as possible to the notice and hearing on appraisals of benefits and of land to be taken, and the same right of appeal shall exist. Upon the determination of the matter by the court, its findings shall be conclusive, and shall be the basis of any future assessment for the use of the waters of the district, provided that in case any party shall thereafter establish in court any right or property in the waters of the district, or the use thereof, which has not been adjudicated, the existence of such right, or the failure to adjudicate it, shall not affect the operation of this provision nor the findings of the court thereon in any other particular. The rights of the district to the waters of the district, or the use thereof, or to the land within the district and owned by it, shall not be lost by the district by prescription or by adverse possession.

Rights shall not be lost by prescription or adverse possession.

The appraisal of benefits made by the appraisers of the district shall not include benefits for such greater, better or more convenient use of, or benefit from, the waters of the district, but the compensation for such use or benefits shall be made according to the provisions of this section.

Compensation for use or benefits.

tion 6828-25. SECTION 25. CEMETERIES. Whenever it may be necessary for the purposes of a district to take or damage any cemetery, the appraisers of the district shall appraise the cost of such taking or easement in the same manner as appraisals are made for other property.

Power to remove cemeteries.

Said directors shall have the same powers in case of the removal of a cemetery to agree with the authorities owning or controlling the said cemetery in the same manner that township trustees are authorized by section 3465 of the General Code; and in case of agreement the directors may purchase the necessary land, and remove or contract for the removal of those buried, together with all monuments. They may also contract for an easement therein if removal is not desired.

All proceedings in regard to such cemeteries shall be in conformity with the order of the court. In case condemnation proceedings are necessary they shall be instituted and conducted according to law in the county where such cemeteries are located.

IV. APPRAISALS OF BENEFITS.

Section 6828-26. Appointment of appraisers; qualifications, duties.

SECTION 26. APPOINTMENT OF APPRAISERS. At the time of making its order organizing the district or at any suitable time thereafter, either in term or in vacation, the court or judge shall appoint three appraisers, who shall in every case where appraisers are appointed under this act be recommended by the board of directors, and whose duty it shall be to appraise the lands or other property within and without the district to be acquired for rights of way, reservoirs and other works of the district, and to appraise all benefits and damages accruing to all lands within or without the district by reason of the execution of the official plan. Said appraisers shall be freeholders residing within the State of Ohio, who may or may not own lands within said district. Each of the appraisers shall, before taking up his duties, take and subscribe to an oath that he will faithfully and impartially discharge his duties as such appraiser, and that he will make a true report of such work done by him. The said appraisers shall at their first meeting elect one of their own number chairman, and the secretary of the board of directors or his deputy shall be ex-officio secretary of said board of appraisers during their continuance in office. A majority of the appraisers shall constitute a quorum, and a concurrence of the majority in any matter within their duties shall be sufficient for its determination. Said appraisers shall continue to hold their offices until excused by the court, and the court shall fill all vacancies in the board of appraisers, or may appoint a new board for subsequent appraisals, as occasion may require. Such new board, if appointed, shall fill all the requirements of the board of appraisers of the district, and perform its duties.

Section 6828-27. Duties of board of appraisers.

SECTION 27. APPRAISALS. During the preparation of the official plan, the board of appraisers shall examine and become acquainted with the nature of plans for the improvement and of the lands and other property affected thereby, in order that they may be better prepared to make appraisals.

When the official plan is filed with the secretary of the district he shall at once notify the board of appraisers, and they shall thereupon proceed to appraise the benefits of every kind to all real property within or without the district, which will result from the organization of said district and the execution of the official plan; and also to appraise the damages sustained and the value of the land and other property necessary to be taken by the district for which settlement has not been made by the board of directors. In the progress of their work, they shall have the assistance of the attorney, engineers, secretary and other agents and employees of the board of directors.

The board of appraisers shall also appraise the benefits and damages, if any, accruing to cities, villages, counties,

townships and other public corporations, as political entities, and to the State of Ohio.

Before appraisals of compensation and damages are made, the directors of the district may report to the appraisers the parcels of land or other property they may wish to purchase; and for which they may wish appraisals to be made, both for easement and for purchase in fee simple. The board may, if it deems best, specify in case of any property the particular purpose for which and the extent to which an easement in the same is desired, describing definitely such purpose and extent. The appraisers shall appraise all damages which may, because of the execution of the official plan, accrue to real or other property either within or without the district, which damages shall also represent easements acquired by the district for all of the purposes of the district, unless otherwise specifically stated. Wherever instructed to do so by the board of directors, they shall appraise lands or other property which it may be necessary or desirable for the district to own, and when instructed by the directors to do so they shall appraise both the total value of the land, and also the damages due to an easement for the purposes of the district. Upon such appraisals being confirmed by the court, the directors of the district shall have the option of paying the entire appraised value of the property and acquiring full title to it (in fee simple), or of paying only the cost of such easement for the purposes of the district. The appraisers in appraising benefits and damages shall consider only the effect of the execution of the official plan. The appraisers in making appraisals shall give due consideration and credit to any other works or other systems of reclamation already constructed, or under construction, which form a useful part of the work of the district according to the official plan. Where the appraisers or a jury, in case one is called, return no appraisal of damages to any property, it shall be deemed a finding by them that no damages will be sustained.

Section 6828-28. SECTION 28. LAND AFFECTED OUTSIDE DISTRICT. If the appraisers find that lands or other property not embraced within the boundaries of the district will be affected by the proposed improvement, or should be included in the district, they shall appraise the benefits and damages to such land, and shall file notice, in the court, of the appraisal which they have made upon the lands beyond the boundaries of the district, and to the land which in their opinion should be included in the district. The appraisers shall also report to the court any lands which in their opinion should be eliminated from the district.

Lands affected outside of district.

Section 6828-29. SECTION 29. NOTICE OF HEARING ON LAND EXCLUDED FROM OR TAKEN INTO DISTRICT. If the report of the board of appraisers includes recommendations that other lands be included in the district, or that certain lands be excluded from the district, it shall be the duty of the clerk of the court before which the proceeding is pending

Notice of hearing on land excluded from or taken into district.

to give notice to the owners of such property by publication to be made as provided in this act for a hearing on the petition for the creation of the district. Such notice to those owners whose lands are to be added to the district may be substantially as shown in the schedule herein. The time and place of the hearing may be the same as those of hearing on appraisals. To the owners of property to be excluded from the district it will be sufficient to notify them of that fact.

Section 6828-30.

Report of board shall be known as conservancy appraisal record; contents.

SECTION 30. BOARD SHALL MAKE REPORT. The board of appraisers shall prepare a report of its findings which shall be arranged in tabular form and bound in book form, and which shall be known as the conservancy appraisal record. Such record shall contain the name of the owner of property appraised as it may appear on the tax duplicate or the deed records, a description of the property appraised, the amount of benefits appraised, the amount of damages appraised, and the appraised value of land or other property which may be taken for the purposes of the district. They shall also report any other benefits or damages or any other matter which in their opinion should be brought to the attention of the court. No error in the names of the owners of real property or in the descriptions thereof shall invalidate said appraisal or the levy of assessments or taxes based thereon, if sufficient description is given to identify such real property.

When their report is completed, it shall be signed by at least a majority of the appraisers and deposited with the clerk of the court who shall file it in the original case. At the same time copies of that part of the report giving the appraisal of benefits and appraisals of land to be taken and of damages, in any county shall be made, certified to, and filed with the clerk of the court of common pleas of such county.

Section 6828-31.

Notice of hearing on appraisals; description of land.

SECTION 31. NOTICE OF HEARING ON APPRAISALS. Upon the filing of the report of the appraisers, the clerk of the court shall give notice thereof, as provided in this act, in each county in the district. Said notice shall be substantially as in form 6 of the schedules hereto attached. It shall not be necessary for said clerk to name the parties interested.

It shall not be necessary to describe separate lots or tracts of land in giving said notice, but it shall be sufficient to give such descriptions as will enable the owner to determine whether or not his land is covered by such description. For instance, it will be sufficient to state "All land lying in the.....Ward of the City of.....," or "All land abutting on.....Street in the City of.....," or "All land lying west of..... River and east of.....Railroad in..... Township," or any other general description pointing out the lands involved.

Where lands in different counties are mentioned in said report, it shall not be necessary to publish a descrip-

tion of all the lands in the district in each county, but only of that part of the said lands situate in the county in which publication is made.

Section 6828-32. SECTION 32. HEARING ON APPRAISALS. Any property owner may accept the appraisals in his favor of benefits and of damages and of lands to be taken made by the appraisers, or may acquiesce in their failure to appraise damages in his favor, and shall be construed to have done so unless he shall within ten days after the last publication provided for in the preceding section file exceptions to said report or to any appraisal of either benefits or damages or of land to be taken which may be appropriated. All exceptions shall be heard by the court beginning not less than twenty nor more than thirty days after the last publication provided for herein, and determined in advance of other business so as to carry out, liberally, the purposes and needs of the district. The court may, if it deem necessary, return the report to the board of appraisers for their further consideration and amendment, and enter its order to that effect. If, however, the appraisal roll as a whole is referred back to the appraisers, the court shall not resume the hearing thereof without new notice, as for an original hearing thereon. But the court may, without losing jurisdiction over the roll, order the appraisers to recast the roll when the order of the court specifies the precise character of the changes thereof.

Hearing on appraisals; exceptions to appraisals.

Section 6828-33. SECTION 33. DECREE ON APPRAISALS. If it appears to the satisfaction of the court after having heard and determined all said exceptions that the estimated cost of constructing the improvement contemplated in the official plan is less than the benefits appraised, then the court shall approve and confirm said appraisers' report as so modified and amended, and such findings and appraisals shall be final and incontestible. In considering the appraisals made by the board of appraisers, the court shall take cognizance of the official plan and of the degree to which it is effective for the purposes of the district. In case the court shall find that the estimated benefits appraised are less than the total costs of the execution of the official plan, exclusive of interest on deferred payments, or that the official plan is not suited to the requirements of the district, it may at its discretion return said official plan to the directors of the district with the order for them to prepare new or amended plans, or it may disorganize the district after having provided for the payment of all expenditures.

Decree on appraisals.

Section 6828-34. SECTION 34. APPEAL FROM AWARD. Any person, or public or private corporation desiring to appeal from an award as to compensation or damages or benefits, shall within ten days from the judgment of the court confirming the report of the appraisers, file with the clerk of the court a written notice making demand for a jury trial. He shall at the same time file a bond with good and sufficient security to be approved by the clerk in the sum of not

Appeal from award; bond.

more than two hundred dollars to the effect that if the appellant does not recover more by the verdict of the jury than the sum awarded him by the appraisers or if the verdict is not more favorable to him, he will pay the costs of the appeal. He shall state definitely from what part of the order he appeals.

The appeal shall be from the award of compensation or damages or benefits, or one or more of them, but from no other part of the decree of the court. In case more than one appeal is entered from the awards as to compensations or damages or benefits in the same county, the court may, upon a showing that the same may be consolidated without injury to the interests of any one, consolidate and try the same together.

Procedure when jury demanded.

Upon demand for a jury the court shall order the directors to at once begin condemnation proceedings, according to law, in the county in which the lands are situated which are sought to be condemned or appraised in the court of common pleas of such county, which suit shall be proceeded with in accordance with the statute regulating appropriation by other than municipal corporations. And said court shall have full jurisdiction to act.

In case an appeal is taken to a jury from the assessment of benefits, the court shall direct the directors to present a petition embodying the facts and the claim they make in short form, which shall be filed in the county in which the land is situated. Whereupon a jury shall be empaneled according to law to try the issue presented.

Section 6828-35.

SECTION 35. ENTRY AFTER DEPOSIT OF AWARD. No property shall be taken under this act until compensation has been paid according to law. But where a trial is had by jury, and a verdict has been rendered which has been confirmed by the court, the board of directors may pay the amount allowed into court in money with the costs, and thereupon the court shall make an order admitting the said corporation into possession of the property and confirming its title thereto, although the owner may take steps to take the case to a higher court. And thereupon the board of directors may enter into undisturbed possession of the property and rights involved.

Entry upon property after deposit of award.

Section 6828-36.

SECTION 36. FILING DECREE. Upon the entry of the order of the court approving the report of the appraisers, as provided for in this act, the clerk of said court in which the same is entered shall transmit a certified copy of the said decree, and of the appraisals as confirmed by the court, except those parts from which appeals have been perfected but not determined, to the secretary of the district.

Filing decree: copy to secretary of district.

When any appeal has been finally determined, the clerk of that court shall certify the amount of each item of the judgment to the clerk of the court having the original case, who shall file the same therein and thereupon transmit certified copies of the same as in this section above provided.

tion 6828-37. SECTION 37. CHANGE OF OFFICIAL PLAN. The board of directors may at any time, when necessary to fulfill the objects for which the district was created, alter or add to the official plan, and when such alterations or additions are formally approved by the board and by the court, and are filed with the secretary, they shall become parts of the official plan for all purposes of this act. Where such alterations or additions in the judgment of the court neither materially modify the general character of the work, nor materially increase resulting damages for which the board is not able to make amicable settlement, nor increase the cost more than ten per cent., no action other than a resolution of the board of directors shall be necessary for the approval of such alterations or additions. In case the proposed alterations or additions materially modify the general character of the work or materially modify the resulting damages or materially reduce the benefits, for which the board is not able to make amicable settlement, or materially increase the benefits in such a manner as to require a new appraisal, or increase the cost more than ten per cent., the court shall direct the board of appraisers (which may be the original board, or a new board appointed by the court on petition of the board of directors or otherwise), to appraise the property to be taken, benefited or damaged, by the proposed alterations or additions. Upon the completion of the report by the board of appraisers, notice shall be given and a hearing had on their report in the same manner as in the case of the original report of the board of appraisers, and the same right of appeal to a jury shall exist. Provided: That where few land owners are affected, the clerk of the court may, on order of the court, if found to be more economical and convenient, give personal notice of the pendency of the report of said appraisers, instead of notice by publication; and Provided: That when the only question at issue is additional damages or reduction of benefits to property, due to modifications or additions to the plans, the board of directors may, if they find it practicable, make settlements with the owners of the property damaged, instead of having appraisals made by the board of appraisers. In case such settlements are made, notice and hearing need not be had. After bonds have been sold, in order that their security may not be impaired, no reduction shall be made in the amount of benefits appraised against property in the district, but in lieu of such reductions in benefits, if any are made, the amount shall be paid to the party in cash. This provision shall apply to all changes in appraisals under this act.

Change of plan on approval by board and court.

tion 6828-38. SECTION 38. APPEALS NOT TO DELAY PROCEEDINGS. No appeal under this act shall be permitted to interrupt or delay any action or the prosecution of any work under this act, except where the party appealing is entitled to a jury under the constitution of the state, and such jury trial has not been had; in which case, only so much of the work

Appeals shall not delay proceedings.

shall be interrupted or delayed as would constitute a taking of or a damaging of the property of the appellant.

The board of directors of any district organized under the terms of this act shall have the right to appeal from any order of the court of common pleas made in any proceeding under this act, not requiring the intervention of a jury.

The failure to appeal from any order of the court in any proceedings under this act within the time specified herein shall constitute a waiver of any irregularity in the proceedings, and the remedies provided for in this act shall exclude all other remedies except as herein provided.

Section 6828-39. Lands exempt and later liable to assessment.

SECTION 39. LANDS EXEMPT AND LATER LIABLE TO ASSESSMENT. If any lands in any district organized under this act are not liable for taxation or assessment at the time of the execution of the work, but afterwards, during the period when such work is being paid for, become liable to taxation or assessment by reason of some change in condition or ownership, such lands shall thereupon be appraised and assessed as other lands in said district receiving equal benefits.

Section 6828-40. Subsequent appraisals.

SECTION 40. SUBSEQUENT APPRAISALS. In case any real property within or without any district is benefited which for any reason was not appraised in the original proceedings, or was not appraised to the extent of benefits received, or in case any individual, corporation, municipality, political subdivision, or other district shall make use of or profit by the works of any district organized under this act to a degree not compensated for in the original appraisal, or in case the directors of the district find it necessary, subsequent to the time when the first appraisals are made, to take or damage any additional property, the directors of said district, at any time such condition becomes evident, shall direct the board of appraisers to appraise the benefits or the enhanced benefits received by such property, or such damages or value of property taken, and proceedings outlined in this act for appraising lands not at first included within the boundaries of the district shall in all matters be conformed with, including notice to the party or parties. Or the board may, at its discretion, make any suitable settlement with such individual, other district, corporation, county or municipality for such use, benefit, damage or property taken.

Section 6828-41. When fault or defect does not affect validity of proceedings.

SECTION 41. PROCEEDINGS NOT INVALID. No fault in any notice or other proceedings shall affect the validity of any proceeding under this act except to the extent to which it can be shown that such fault resulted in a material denial of justice to the property owner complaining of such fault.

In case it is found upon a hearing that by reason of some irregularity or defect in the proceedings the appraisal has not been properly made, the court may nevertheless, on having proof that expense has been incurred which is a proper charge against the property of the complainant, render a finding as to the amount of benefits to said proper-

ty, and appraise the proper benefits accordingly, subject to a claim for a jury as already provided, where the party is entitled thereto, and thereupon said land shall be assessed as other land equally benefited. In the event that at any time either before or after the issuance of bonds pursuant to the provisions of this act, the appraisal of benefits, either as a whole or in part, be declared by any court of competent jurisdiction to be invalid by reason of any defect or irregularity in the proceedings therefor, whether jurisdictional or otherwise, the said court of common pleas is hereby authorized and directed on the application of the board of directors of the said district or on the application of any holder of any bonds which may have been issued pursuant hereto, promptly and without delay to remedy all defects or irregularities as the case may require, by directing and causing to be made in the manner hereinbefore provided, a new appraisal of the amount of benefits against the whole or any part of the lands in the said district as the case may require.

V. FINANCIAL ADMINISTRATION.

Section 6828-42. SECTION 42. FUNDS. The moneys of every conservancy district organized hereunder shall consist of three separate funds: (1) Preliminary Fund, by which is meant the proceeds of the ad valorem tax authorized by this act and such advancements as may be made from the general county funds as provided in section 43 of this act; (2) Bond Fund, by which is meant the proceeds of levies made against the special assessments of benefits equalized and confirmed under the provisions of this act; and (3) Maintenance Fund, which is a special assessment to be levied annually for the purpose of upkeep, administration and current expenses as hereinafter provided. It is intended that the cost of preparing the official plan, the appraisal (except as paid out of the preliminary fund) and the entire cost of construction and superintendence, including all charges incidental thereto, and the cost of administration during the period of construction, shall be paid out of the bond fund.

Moneys shall consist of three separate funds.

No vouchers shall be drawn against the preliminary fund (except for advances from the general county funds) or against the maintenance fund until a tax-levying resolution shall have been properly passed by the board of directors, and duly entered upon its records; no bonds shall be issued against the bond fund until an assessment-levying resolution shall have been properly passed by the board of directors and duly entered upon its records, and until the property owners shall have been given an opportunity for a period of not less than thirty days to pay the assessments so levied against their respective properties.

When vouchers drawn against certain funds.

Section 6828-43. SECTION 43. PRELIMINARY EXPENSES.—HOW PAID. After the filing of a petition under this act, and before the district shall be organized, the costs of publication and

Preliminary expenses, how paid.

other official costs of the proceedings shall be paid out of the general funds of the county in which the petition is pending. Such payment shall be made on the warrant of the auditor on the order of the court. In case the district is organized, such cost shall be repaid to the county out of the first funds received by the district through levying of taxes or assessments or selling of bonds, or the borrowing of money. If the district is not organized, then the cost shall be collected from the petitioners or their bondsmen. Upon the organization of the district, the court shall make an order indicating a preliminary division of the preliminary expenses between the counties included in the district in approximately the proportions of interest of the various counties as may be estimated by said court. And the court shall issue an order to the auditor of each county to issue his warrant upon the treasurer of his county to reimburse the county having paid the total cost.

Expenses incurred thereafter prior to the receipt of money by the district from taxes or assessments, bond sales, or otherwise, shall be paid from the general funds of the counties upon the order of the court and upon certification of the clerk of the court of such order specifying the amount and purpose of the levy, to the auditor of each county, who shall thereupon at once issue his warrant to the treasurer of his county, said payments to be made in proportion of the order outlined by the court aforesaid. Upon receipt of funds by the district from the sale of bonds or by taxation or assessment the funds so advanced by the counties shall be repaid.

As soon as any district shall have been organized under this act, and a board of directors shall have been appointed and qualified, such board of directors shall have the power and authority to levy upon the property of the district not to exceed three-tenths of a mill on the assessed valuation thereof as a level rate to be used for the purpose of paying expenses of organization, for surveys and plans, and for other incidental expenses which may be necessary up to the time money is received from the sale of bonds or otherwise. This tax shall be certified to the auditors of the various counties and by them to the respective treasurers of their counties. If such items of expense have already been paid in whole or in part from other sources, they may be repaid from the receipts of such levy, and such levy may be made although the work proposed may have been found impracticable or for other reasons is abandoned. The collection of such tax levy shall conform in all matters to the collection of taxes and assessments for the district outlined in this act, and the same provisions concerning the non-payment of taxes shall apply. The board may borrow money in any manner provided for in this act, and may pledge the receipts from such taxes for its repayment, the information collected by the necessary surveys, the appraisal of benefits

Levy to pay expenses; rate.

and damages, and other information and data being of real value and constituting benefits for which said tax may be levied. In case a district is disbanded for any cause whatever before the work is constructed, the data, plans and estimates which have been secured shall be filed with the clerk of the court before which the district was organized and shall be matters of public record available to any person interested.

Section 6828-44. SECTION 44. MAY BORROW MONEY. In order to facilitate the preliminary work, the board may borrow money at a rate of interest not exceeding six per cent. per annum, may issue and sell or pay to contractors or others, negotiable evidence of debt (herein called warrants) therefor signed by the members of the board, and may pledge (after it has been levied) the preliminary tax of not exceeding three-tenths of a mill for the repayment thereof. If any warrant issued by the board of directors is presented for payment and is not paid for want of funds in the treasury, that fact with the date of refusal shall be endorsed on the back of such warrant, and said warrant shall thereafter draw interest at the rate of six per cent. until such time as there is money on hand sufficient to pay the amount of said warrant with interest.

Power to borrow money.

Section 6828-45. SECTION 45. BOARD OF DIRECTORS TO LEVY ASSESSMENT FOR BOND FUND.—ADDITIONAL LEVIES. After the list of real property, with the appraised benefits as approved by the court, or that part thereof from which no appeal is pending, has been filed with the secretary of the district, then from time to time, as the affairs of the district demand it, the board of directors shall levy on all real property, upon which benefits have been appraised, an assessment of such portion of said benefits as may be found necessary by said board to pay the cost of the execution of the official plan including superintendence of construction and administration, plus ten per cent. of said total, to be added for contingencies, but not to exceed, in the total of principal, the appraised benefits so adjudicated. The said assessment shall be apportioned to and levied on each tract of land or other property in said district in proportion to the benefits appraised, and not in excess thereof, and in case bonds are issued as provided herein and hereafter, then the amount of interest, which will accrue on such bonds, as estimated by said board of directors, shall be included in and added to the said assessment, but the interest to accrue on account of the issuing of said bonds shall not be construed as a part of the cost of construction in determining whether or not the expenses and costs of making said improvement are or are not equal to or in excess of the benefits appraised. As soon as said assessment is levied, the secretary of the board of directors, at the expense of the district, shall prepare in duplicate an assessment record of the district. It shall be in a well-bound book endorsed and named, "Conservancy Assessment Record of.....District." It shall con-

When board may levy assessment for bond fund; additional levies, assessment record.

tain in tabular form a notation of the items of property appraised, the total amount of benefits appraised against each item, and the total assessment levied against each item. Where successive levies of assessment are made for the bond fund, the conservancy assessment record shall contain suitable notation to show the number of levies and the amount of each, to the end that the conservancy assessment record may disclose the aggregate of all levies for the bond fund made up to that time.

Upon the completion of such record it shall be signed and certified by the president and secretary of the board of directors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of said district. A copy of that part of the conservancy assessment record affecting lands in any county shall be filed with the auditor of such county.

If it should be found at any time that the total amount of assessments levied is insufficient to pay the cost of works set out in the official plan or of additional work done, the board of directors may make an additional levy to provide funds to complete the work, provided the total of all levies of such assessment exclusive of interest does not exceed the total of benefits appraised.

Section 6828-46. SECTION 46. PROPERTY OWNERS MAY PAY ASSESSMENT IN FULL. When the assessment roll is placed on file in the office of the district, notice by publication shall be given to property owners that they may pay their assessments. Any owner of real property assessed for the execution of the official plan under the provisions of this act shall have the privilege of paying such assessment to the treasurer of the board of directors within thirty days from the time such assessment is placed on file in the office of the district, and the amount to be paid shall be the full amount of the assessment less any amount added thereto to meet interest. When such assessment has been paid, the secretary of the board shall enter upon the said assessment record opposite each tract for which payment is made the words "Paid In Full," and such assessment shall be deemed satisfied. The payment of such assessment shall not relieve the land owner from the necessity for the payment of a maintenance assessment nor for payment of any further assessment which may be necessary as herein provided. Any property owner failing to pay assessments in full as provided for herein shall be deemed to have consented to the issuance of bonds as provided for in this act, and to payment of interest thereon.

When property owners may pay assessment in full.

After the expiration of the period of thirty days within which the property owners may pay their respective assessments, as limited herein, the treasurer of the district shall certify to the board of directors the aggregate of the amount so paid, and thereupon the board of directors shall pass and spread upon their records a bonding resolution in which shall be stated the amount of the assessment, and the amount thereof paid as aforesaid, and thereupon the

Procedure when assessments are unpaid.

board shall in the same resolution apportion the uncollected assessment into installments or levies, provide for the collection of interest upon the unpaid installments, and they may order the issuance of bonds (in an amount not exceeding ninety per cent. of the levy) in anticipation of the collection of said installments. The residue of the tax so levied (not less than ten per cent.) shall constitute a contingent account to protect the bonds from casual default, and any part thereof in excess of ten per cent. of the next installment of maturing bond principal, together with the next two installments of semi-annual interest, if not needed for this purpose, may be transferred from time to time to the maintenance fund of the district.

Board of directors may issue bonds; how paid. Funds; how to be used.

Section 6828-47. SECTION 47. BOARD OF DIRECTORS MAY ISSUE BONDS.—HOW PAID.—FUNDS.—HOW TO BE USED. The board of directors may, if in their judgment it seems best, issue bonds not to exceed ninety per cent. of the total amount of the assessments, exclusive of interest, levied under the provisions of this act, in denomination of not less than one hundred dollars, bearing interest from date at a rate not to exceed six per cent. per annum, payable semi-annually, to mature at annual intervals within thirty years, commencing not later than five years, to be determined by the board of directors, both principal and interest payable at the office of the treasurer of the State of Ohio. Said bonds shall be signed by the president of the board of directors, attested with the seal of said district and by the signature of the secretary of the said board, and shall be registered by the treasurer of the State of Ohio. In case any of the officers whose signatures, counter-signatures or certificates appearing upon bonds or coupons issued pursuant to this act, shall cease to be such officer before the delivery of such bonds to the purchaser, such signatures, or counter-signatures and certificates shall nevertheless be valid and sufficient for all purposes, the same as if they had remained in office until the delivery of the bonds. All of said bonds shall be executed and delivered to the treasurer of said district, who shall sell the same in such quantities and at such dates as the board of directors may deem necessary to meet the payments for the works and improvements of the district. Said bonds, if bearing less than six per cent. interest, may be sold below par, but they shall be sold at such a price that the total payment of principal and interest shall not be greater than would have been required, if the bonds had borne six per cent. interest and had sold for par and accrued interest. They shall show on their face the purpose for which they are issued, and shall be payable out of money derived from the bond fund. A sufficient amount of the assessment shall be appropriated by the board of directors for the purpose of paying the principal and interest of bonds and the same shall, when collected, be set apart in a separate fund for that purpose and no other. All bonds and coupons not paid at maturity shall bear interest at the rate of six per

cent. per annum from maturity until paid, or until sufficient funds have been deposited at the place of payment. Any expenses incurred in paying said bonds and interest thereon and reasonable compensation to the state treasurer for registering and paying same, shall be paid out of the other funds in the hands of the district treasurer and collected for the purpose of meeting the expenses of administration. It shall be the duty of said board of directors in making the annual assessment levy, as heretofore provided, to take into account the maturing bonds and interest on all bonds, and to make ample provision in advance for the payment thereof. In case the proceeds of the original tax assessment made under the provisions of this act are not sufficient to pay the principal and interest of all bonds issued, then the board of directors shall make such additional levy or levies as are necessary for this purpose, and under no circumstances shall any assessment levies be made that will in any manner or to any extent impair the security of said bonds or the fund available for the payment of the principal and interest of the same. Said district treasurer shall, at the time of taking office, execute and deliver to the president of the board of directors of the said district, a bond with good and sufficient sureties, to be approved by the said board of directors, conditioned that he shall account for and pay over as required by law, and as ordered by said board of directors, any and all money received by him on the sale of such bonds, or any of them, or from any other source, and that he will only sell and deliver such bonds to the purchaser or purchasers thereof under and according to the terms herein prescribed, and that he will, when ordered by said board so to do, return to said board, duly cancelled, any and all bonds not sold, which said bonds shall remain in the custody of the said president of said board of directors, who shall produce the same for inspection or for use as evidence whenever and wherever legally requested so to do. The said treasurer shall promptly report all sales of bonds to the board of directors, and the board shall issue warrants at the proper time for the payment of the maturing bonds so sold and the interest payments coming due on all bonds sold, and the said treasurer shall place sufficient funds at the place of payment to pay the same. In case proper warrants are not issued by the board of directors as herein provided, then the treasurer shall of his own accord place funds at the place of payment and the cancelled bonds and coupons and the receipts of the state treasurer shall be accepted in lieu of warrants. The successor in office of any such district treasurer shall not be entitled to said bonds or the proceeds thereof until he shall have complied with all the foregoing provisions applicable to his predecessor in office; provided, if it should be deemed more expedient to the board of directors, as to moneys derived from the sale of bonds issued or from any other source, said board may by resolution, select some suitable bank or banks or other

Additional levies; bond of treasurer.

depository, which depository shall give good and sufficient bond, as temporary or assistant treasurer or treasurers, to hold and disburse said moneys on the orders of the board as the work progresses, until such fund is exhausted or transferred to the treasurer by order of the said board of directors. For such deposits the district shall receive not less than two nor more than four per cent. interest per annum. The funds derived from the sale of said bonds or any of them shall be used for the purpose of paying the cost of the works and improvements and such costs, expenses, fees and salaries as may be authorized by law and shall be used for no other purpose.

Bank may be selected as depository.

If at the time the bonds are ready to be issued, the board shall be of the opinion that such bonds cannot advantageously be issued and sold in whole or in part, the board may sell parts only of the entire issue or may pledge all or part of said issue as collateral to a loan, but no partial sale or pledge shall be made without the order of the board made and entered of record, and no pledge shall be made at a greater margin than at the rate of one hundred dollars of bond principal for ninety dollars of loan.

The district may secure the payment of loans from the United States government in the same manner as it may secure the payment of bonds, and the board of directors may make any necessary regulations to provide for such payment.

A party who has not sought a remedy against any proceeding under this act until after bonds have been sold or the work constructed, cannot for any cause have an injunction against the collection of taxes or assessments for the payment of said bonds.

This act shall, without reference to any other act of the Legislature of Ohio, be full authority for the issuance and sale of the bonds in this act authorized, which bonds shall have all the qualities of negotiable paper under the law merchant, and when executed and sealed and registered in the office of the state treasurer in conformity with the provisions of this act, and when sold in the manner prescribed herein and the consideration therefor received by the district, shall not be invalid for any irregularity or defect in the proceedings for the issue and sale thereof, and shall be incontestible in the hands of bona fide purchasers or holders thereof for value. No proceedings in respect to the issuance of any such bonds shall be necessary except such as are required by this act. Whenever the owner of any coupon bond issued pursuant to the provisions of this act shall present such bond to the treasurer of the district with a request for the conversion of such bond into a registered bond, the said treasurer shall cut off and cancel the coupons of any such coupon bond so presented and shall stamp, print or write upon such coupon bond so presented, either upon the back or the face thereof, as may be convenient, a statement to the effect that the said bond is registered in the name of the owner and that thereafter

the interest and principal of said bond are payable to the registered owner. Thereafter and from time to time, such bond may be transferred by such registered owner in person or by attorney duly authorized on presentation of such bond to the treasurer of the district and the bond again registered as before, a similar statement being stamped, printed or written thereon. Such statement stamped, printed or written upon any such bond may be substantially in the following form:

[Date, giving month, year and day]

This bond is registered pursuant to the statutes in such case made and provided, in the name of [here insert name of owner], and the interest and principal thereof are hereafter payable to such owner.

Treasurer.....Conservancy District.

If any bond shall be registered as aforesaid, the principal and interest of such bond shall be payable to the registered owner. The treasurer of the district shall enter in a register of said bonds to be kept by him or in a separate book, the fact of the registration of such bond and the name of the registered owner thereof, so that said register or book shall at all times show what bonds are registered and the name of the registered owner thereof.

Section 6828-48. Conservancy maintenance assessment; apportionment of.

SECTION 48. BOARD OF DIRECTORS MAY LEVY MAINTENANCE ASSESSMENT. To maintain, operate and preserve the reservoirs, ditches, drains, dams, levees, canals or other improvements made pursuant to this act and to strengthen, repair and restore the same, when needed, and for the purpose of defraying the current expenses of the district, the board of directors may upon the substantial completion of said improvements and on or before the first day of September in each year thereafter, levy an assessment upon each tract or parcel of land and upon corporate property within the district, subject to assessments under this act, to be known as a "Conservancy Maintenance Assessment." Said maintenance assessment shall be apportioned upon the basis of the total appraisal of benefits accruing for original and subsequent construction, shall not exceed one per cent. thereof in any one year unless the court shall by its order authorize an assessment of a larger percentage, and shall be certified in duplicate to the auditor of each county in which lands of said district are situate, in the same book but in a separate column, or in a separate book kept for that purpose, in like manner and at the same time as the annual installment tax is credited, under the heading "Maintenance Assessment." Said auditor shall certify the same to the treasurer of the county at the same time that he certifies the annual installment of the bond fund, and the sum of the installments of both funds for any tract may be certified as a single item. The treasurer shall demand and collect the maintenance assessment and make return thereof, and shall be liable for the same

penalties for failure or neglect so to do, as may be provided herein for the annual installment of the assessment.

The amount of the maintenance tax paid by any parcel of land shall not be credited against the benefits assessed against such parcel of land; but the maintenance tax shall be in addition to any tax that has been or can be levied against the benefit assessment.

Section 6828-49. SECTION 49. PETITION FOR READJUSTMENT OF MAINTENANCE ASSESSMENTS. Whenever the owners or representatives of twenty-five per cent. or more of the acreage or value of the lands in the district shall file a petition with the clerk of the court in whose office the petition was filed, stating that there has been a material change in the values of the property in the district since the last previous appraisal of benefits, and praying for a readjustment of the appraisal of benefits for the purpose of making a more equitable basis for the levy of the maintenance assessment, the said clerk shall give notice of the filing and hearing of said petition in the manner hereinbefore provided.

Petition for readjustment of maintenance assessment; hearing.

Upon hearing of said petition if said court shall find there has been a material change in the values of property in said district since the last previous appraisal of benefits, the court shall order that there be a readjustment of the appraisal of benefits for the purpose of providing a basis upon which to levy the maintenance assessment of said district. Thereupon the court shall direct the appraisers of the conservancy district to make such readjustment of appraisal in the manner provided in this act, and said appraisers shall make their report; and the same proceedings shall be had thereon, as nearly as may be, as are herein provided for the appraisal of benefits accruing for original construction: Provided, that in making the readjustment of the appraisal of benefits said appraisals shall not be limited to the aggregate amount of the original or any previous appraisal of benefits, and that after the making of such readjustment the limitation of the annual maintenance assessment to one per cent. of the total appraised benefits shall apply to the amount of the benefits as readjusted; and provided, further, that there shall be no such readjustment of benefits oftener than once in eight years.

Section 6828-50. SECTION 50. ANNUAL LEVY. The board of directors shall each year thereafter determine, order and levy the part of the total assessments levied under this act, which shall become due and be collected during each year at the same time that state and county taxes are due and collected, which annual levy shall be evidenced and certified by said board not later than September 1st each year to the auditor of each county in which the real property of said district is situate. The certificate of said annual levy shall be substantially as in the schedule herein.

Annual levy.

Then shall follow a table or schedule showing in properly ruled columns: 1. The names of the owners of said property, which may be as they appeared in the decree

Conservancy assessment book; disposition of copies.

of the court confirming the appraisals. In case of a city, county, village or township, the names of individual owners need not be given, but only the name of the city, county, village or township. 2. The descriptions of the property opposite the names of the said owners. 3. The total amount of the said annual installment of all assessments on each piece of property for the account of all funds. 4. A blank column in which the auditor shall record the several amounts as collected by him. 5. A blank column in which the auditor shall record the date of payment of the different sums. 6. A blank column in which the auditor shall report the names of the person or persons paying the several amounts.

The said certificate and report shall be prepared in triplicate in a well-bound book which shall be endorsed and named "Conservancy Assessment Book of..... District,.....County, Ohio," which endorsement shall also be printed at the top of each page in said book.

Two copies of that part of such triplicate affecting lands in any county shall be forwarded to the county auditor of such county, one for his use and one for the county treasurer, to whom the auditor shall certify one copy. It shall be the duty of the auditor of each county to receive the same as a tax book, and to certify the same as other tax records to the county treasurer of his county, whose duty it shall be to collect the same according to law. And such tax book or assessment book shall be the treasurer's warrant and authority to demand and receive the assessments due in his county as found in the same.

In the event of any failure or neglect of the board of directors of the district to determine and order an annual levy for the purpose of paying the interest and principal of any bonds pursuant to this act, it shall be the duty of the auditor of the county in which the lands subject to such assessments are situated, to make and complete a levy of the taxes or special assessments necessary for the said purpose against the lands in the said district, and each piece of property therein against which benefits shall have been appraised; any assessment so made and completed by the county auditor shall be made and completed by him in the manner hereinbefore provided for the making and completion of an assessment by the board of directors of the district, and shall have the same force and effect as a levy of assessments determined and ordered by the board of directors.

Section 6828-51. Duty of county officers.

SECTION 51. DUTIES OF COUNTY OFFICERS. The county treasurer of each county in which lands of the district lie, shall make due report to the auditor of the county of the sums collected by him, and it shall be the duty of the auditor to issue his warrant payable to the treasurer of the district for all sums of money in the hands of the treasurer of the county, according to his report as aforesaid. Said auditor shall, as soon as the books for

collection are closed by the county treasurer according to law, make report to the treasurer of the said district of the sums collected, and of the assessments not collected, as returned to him by the treasurer of the county. The secretary of the board of directors shall thereupon provide a certified delinquent tax or assessment list, and forward the same in duplicate to the auditor of said county, who shall add the penalty fixed by law and transmit one copy to the treasurer of the county, who shall forthwith proceed to collect the said tax or levy or assessment and penalty, according to law.

Delinquent taxes, penalty.

All assessments or taxes provided for in this act, remaining unpaid after they become due and collectable, shall be delinquent and bear a penalty of two per cent. a month from the date of closing the county treasurer's books until paid.

The return of the auditor shall be verified by affidavit.

Section 6828-52.

Bond of county treasurer.

SECTION 52. BOND OF COUNTY TREASURER. Before receiving the aforesaid "assessment book" the treasurer of each county in which lands or other property of the district are located, shall execute to the board of directors of the district a bond with at least two good and sufficient sureties or a surety company, and which shall be paid for by the district in a sum not less than the probable amount of any annual levy of said assessment to be collected by him during any one year, conditioned that said treasurer shall pay over and account for all assessments so collected by him according to law. Said bond after approval by said board of directors shall be deposited with the secretary of the board of directors who shall be custodian thereof and who shall produce same for inspection and use as evidence whenever and wherever lawfully requested so to do.

Section 6828-53.

Conservancy assessment to constitute a lien; how evidenced.

SECTION 53. CONSERVANCY ASSESSMENT TO CONSTITUTE A LIEN.—HOW EVIDENCED. All conservancy assessments and taxes provided for in this act, together with all penalties for default in payment of the same, all costs in collecting the same, including a reasonable attorney's fee, to be fixed by the court and taxed as costs in the action brought to enforce payment, shall, from date of filing the certificate herein described in the office of the auditor for the county wherein the lands and properties are situate, until paid, constitute a lien, to which only the lien of the state for general state, county, city, village, school and road taxes shall be paramount, upon all the lands and other property against which such taxes shall be levied as is provided in this act. Such lien may be evidenced by a certificate substantially in the form in the schedule herein. The certificate and tables shall be prepared in a well-bound book by the secretary of the board of directors at the expense of the district.

Unless expressly declared to the contrary, no warranty in any warranty deed or in any deed made pursuant to a judicial sale shall warrant against any portion of any

assessment or assessments levied hereunder except past and current installments payable in the year which such deed or deeds bear date.

Section 6828-54. SECTION 54. ASSESSMENT BOOK TO BE PRIMA FACIE EVIDENCE.—SUITS FOR ASSESSMENTS AND TAXES.—HOW BROUGHT. The "Delinquent Conservancy Assessment Book" of the district shall be prima facie evidence in all courts of all matters therein contained. The liens established and declared in the preceding sections may be enforced at the option of the board of directors by an action on delinquent tax bills or assessment bills, made and certified by the county auditor, which action shall be instituted in the court of common pleas without regard to the amount of the claim, within six months after December 31st of the year for which said assessments were levied. The suit shall be brought in the corporate name of the district by its attorney against the land or lands, property or properties, on which such tax or assessment has not been paid. In the event of any default in the payment of the interest or principal of any bonds issued pursuant to this act, and if the said district or its proper officers shall fail or neglect to enforce the payment of any unpaid tax or assessment, the holder of such bonds may, for himself and for the benefit of all others similarly situated, enforce the said liens by suit or action against the land or lands, property or properties, on which such tax or assessment has not been paid, and against the said district, and the court shall have full power, jurisdiction and authority to apply the said tax when collected in the payment of the interest or principal upon the said bonds as justice and equity may require. The suit shall be brought in the county in which the property is situate, except when the tract or property sued upon be in more than one county, in which event the suit may be brought on the whole tract, parcel or property, in any county in which any portion thereof may be situate. The pleadings, process, proceedings, practice and sales, in cases arising under this act shall, except as herein provided, be the same as in an action for the enforcement of the state's lien for delinquent general taxes upon real estate. All sales of lands made under this section shall be by the sheriff, as is now provided under the general law. All sheriff's deeds executed and delivered pursuant to this act shall have the same probative force as other deeds executed by a sheriff. Abbreviations shall not defeat the action. The title acquired through any sale of lands or other property under the aforesaid proceedings shall be subject to the lien of all subsequent annual installments of conservation or drainage tax or assessment. In all suits for the collection of delinquent taxes or assessments, the judgement for said delinquent taxes or assessments and penalty shall also include all costs of suit and a reasonable attorney's fee to be fixed by the court, recoverable the same as the delinquent tax and in the same suit. The

Assessment book shall be prima-facie evidence.

How suits for assessments and taxes brought.

proceeds of sales made under and by virture of this act shall be paid at once to the aforesaid county treasurer and shall be properly credited and accounted for by him the same as other conservation taxes and assessments.

If any assessment made pursuant to the provisions of this act shall prove invalid, the board of directors shall, by subsequent or amended acts or proceedings promptly and without delay remedy all defects or irregularities as the case may require by making and providing for the collection of new assessments or otherwise.

Section 6828-55. SECTION 55. DUTIES OF OFFICERS AS TO ASSESSMENTS. Whenever, under the provisions of this act, an assessment is made or a tax levied against a county, city, village, or township, it shall be the duty of the governing or taxing body of such political subdivision, upon receipt of the order of the court which established the district, confirming the appraisal of benefits and the assessment based thereon, to receive and file the said order, and to immediately take all the legal and necessary steps to collect the same. It shall be the duty of the said governing or taxing body or persons to levy and assess a tax, by a uniform rate upon all the taxable property within the political subdivision, to make out the proper duplicate, certify the same to the auditor of the county in which such subdivision is, whose duty it shall be to receive the same, certify the same for collection to the treasurer of the county, whose duty it shall be to collect the same for the benefit of the conservancy district, all of said officers above named being authorized and directed to take all the necessary steps for the levying, collection and distribution of such tax.

Duties of officers of political subdivisions, as to assessments.

Nothing in this section shall prevent the assessment of the real estate of other corporations or persons situated within such political subdivision, which may be subject to assessment for special benefits to be received.

In the event of any dissolution or disincorporation of any conversancy district organized pursuant to the provisions of this act, such dissolution or disincorporation shall not affect the lien of any assessment for benefits imposed pursuant to the provisions of this act, or the liability of any land or lands in such district to the levy of any future assessments for the purpose of paying the principal and interest of any bonds issued hereunder, and in that event, or in the event of any failure on the part of the officers of any district to qualify and act, or in the event of any resignations or vacancies in office, which shall prevent action by the said district or by its proper officers, it shall be the duty of the county auditor and of all other officers charged in any manner with the duty of assessing, levying and collecting taxes for public purposes in any county, municipality or political subdivision in which such lands shall be situated, to do and perform all acts which may be necessary and requisite to the collection of any such assessment which may have been imposed and to the

Dissolution of district does not affect lien.

levying, imposing and collecting of any assessment which it may be necessary to make for the purpose of paying the principal and interest of the said bonds. Any holder of any bonds issued pursuant to the provisions of this act or any person or officers being a party in interest, may either at law or in equity by suit, action or mandamus, enforce and compel performance of the duties required by this act of any of the officers or persons mentioned in this act.

Section 6828-56. Penalty for failure of treasurer to pay over tax.

SECTION 56. PENALTY FOR FAILURE OF TREASURER TO PAY OVER TAX. If any county treasurer or other person entrusted with the collection of these assessments refuses, fails or neglects to make prompt payment of the tax or any part thereof collected under this act to the treasurer of said district upon his presentation of a proper demand, then he shall pay a penalty of ten per cent. on the amount of his delinquency; such penalty shall at once become due and payable and both he and his securities shall be liable therefor on his official bond. The said county treasurer shall retain for his services one per cent. of the amount he collects on delinquent taxes.

Section 6828-57. Surplus funds and annual reports.

SECTION 57. SURPLUS FUNDS AND ANNUAL REPORTS. Any surplus funds in the treasury of the district may be used for retiring bonds, reducing the rate of assessment or for accomplishing any other of the legitimate objects of the district.

At least once a year, or oftener if the court shall so order, the board of directors shall make a report to the court of its proceedings and an accounting of receipts and disbursements to that date which shall be filed with the clerk of the court. Thereupon the court shall order the auditing of said accounts by public accountants of recognized standing who shall file their report thereon with the clerk of the court.

Section 6828-58. Compensation of officials.

SECTION 58. COMPENSATION OF OFFICIALS UNDER THIS ACT. Each member of the board of directors shall receive five dollars a day and his necessary expenses for the time actually employed in performing his duties. Each appraiser shall receive ten dollars a day and his expenses for the time actually employed in his duties. Before any duties devolve upon a county auditor or a county treasurer under this act, the board of directors of the district shall consult them and agree upon the salaries for the extra clerical force, if any, required in their respective offices to carry out the requirements of the law by reason of the establishment of said district, and the said board of directors shall provide for and pay said salaries to said clerk or clerks, while engaged on the work of the district, which clerks shall be selected and appointed by each of said county officers for their respective offices. In case of disagreement as to the compensation of such extra clerical force, the matter shall be referred to the court for its determination.

VI. INTERCORPORATE RELATIONS AND CONFLICT IN JURISDICTION.

Section 6828-59. SECTION 59. LANDS IN MORE THAN ONE DISTRICT. The same land, if conducive to public health, safety, convenience or welfare, may be included in more than one district and be subject to the provisions of this act for each and every district in which it may be included, provided, that no district shall be organized under this act in whole or in part within the territory of a district already organized under this act until the court or courts determine whether the public health, safety, convenience or welfare demand the organization of an additional district, or whether it demand that the territory proposed to be organized into an additional district shall be added to the existing district; and in case the proceedings concerning two or more such districts are before the court of common pleas of two or more counties, such determination shall be as provided in the next section.

Lands may be included in more than one district.

Section 6828-60. SECTION 60. JURISDICTION. In case any district or districts are being organized within, or partly within and partly without, the same territory in which some other district or districts have been or are being organized, one common pleas judge of each county in which such districts have been or are being organized shall confer at the earliest convenient moment after they ascertain the possibility of a conflict in jurisdiction, the sitting to be had in the county having the largest assessed valuation in the proposed district or districts.

Jurisdiction in case of conflict, how determined.

At such conference, the several judges shall determine to what extent the several districts should be consolidated or to what extent the boundaries should be adjusted in order to most fully carry out the purposes of this act; and they shall by suitable orders make such determination effective. In event notices have been issued or jurisdiction acquired in any proceeding concerning territory which is transferred to the court of common pleas of another county such notice shall not become void and jurisdiction so acquired shall not be lost; but in each case the court acquiring jurisdiction over such transferred territory shall hold the same without further notice, as if originally embraced in said district. At such conferences, the decision of the majority of the judges shall be necessary for the determination of any matter, and from such decision, or from a failure to decide, appeal may be taken.

The provisions of this and of the preceding section shall not operate to delay or to interrupt any proceeding under this act until the question of jurisdiction has been finally determined by the court or courts.

Section 6828-61. SECTION 61. UNION OF DISTRICTS. In case two or more districts have been organized under this act in a territory, which, in the opinion of the directors of either of the districts, should constitute but one district, the board of directors of any one of the districts may petition the

Union of districts; petition, notice, hearing, decree.

court for an order uniting said districts into a single district. Said petition shall be filed in the office of the clerk of that county which has the greatest valuation of real property within the districts sought to be included, as shown by the tax duplicates of the respective counties. Said petition shall set forth the necessity for such union of the two or more districts and that the union of said districts would be conducive to the public health, convenience, safety or welfare, and to the economical execution of the purposes for which the districts were organized. Upon receipt of said petition, the clerk of said court shall give notice by publication, or by personal service, to the board of directors or boards of directors of the district or districts which it is desired to unite with the district of the petitioners. Such notice shall contain the time and place where the hearing on the petition will be had and the purpose of the same. Such hearing shall be had in accordance with the provisions of this act in original hearing. After the hearing, should the court find that the averments of the petition are true and that the said districts, or any of them, should be united, it shall so order, and thereafter such districts shall be united into one and proceed as such. The court shall designate the corporate name of such united district, and such further proceeding shall be taken as provided for in this act. The court shall direct in such order who shall be the directors of such united district, who shall therafter have such powers and be subject to such regulations as are provided for directors in districts created in the first instance. All legal proceedings already instituted by or against any of such constituent districts may be revived and continued against such united district by an order of court substituting the name of such united district for such constituent district and such proceedings shall then proceed as herein provided.

Instead of organizing a new district from such constituent districts the court may, in its discretion, direct that one or more of such districts described in the petition be included into another of said districts which other shall continue under its original corporate name and organization, or it may direct that the district or districts so absorbed shall be represented on the board of directors of the original district, designating what members of the board of directors of the original district shall be retired from the new board and what members representing the included district or districts shall take their places; or it may direct that the included district or districts shall become subdistricts of the main district. In case the districts sought to be united were organized in different counties, then the court to determine the question involved shall consist of one judge from each of the counties in the court of which one of the districts was organized, and a majority shall be necessary to render a decision. From such a decision, or from a failure to decide, any interested property owner may appeal. No action under the provisions of this sec-

tion shall operate to interrupt or delay any proceeding under this act until the questions involved are finally determined.

Section 6828-62. SECTION 62. REMEDY FOR INJURY BY DISTRICT. In case any person or public corporation, within or without any district organized under this act, shall consider itself injuriously affected in any manner whatsoever by any act performed by any official or agent of such district, or by the execution, maintenance or operation of the official plan, in case no other method of relief is offered under this act, the remedy shall be as follows: Remedy for injury by district.

The person or public corporation considering itself to be injuriously affected shall petition the court before which said district was organized for an appraisal of damages sufficient to compensate for such injuries. The court shall thereupon direct the board of appraisers of the district to appraise said damages and injuries, and to make a report to the court on or before the time named in the order of the court. Upon the filing of said report of said board of appraisers, the court shall cause notice to be given to the petitioner and to the directors of the district, of a hearing on said report. At the time of such hearing, the court shall consider said report of said appraisers, and may ratify said report or amend it as the court may deem equitable, or may return it to the said board of appraisers and require them to prepare a new report. Upon the filing of an order of the court approving said report of said appraisers, with such modifications as it may have made, said order shall constitute a final adjudication of the matter unless it shall be appealed from within twenty days. Appeal to a jury from said order may be had as provided in the general appropriation statute by the petitioner, by the directors of the district, or by any person or corporation who has been assessed for the costs of the district. No damages shall be allowed under this section which would not otherwise be allowed in law.

Section 6828-63. SECTION 63. SUBDISTRICTS. Whenever it is desired to construct improvements wholly within or partly within and partly without any district organized under this act, which improvements will affect only a part of said district, for the purpose of accomplishing such work, subdistricts may be organized upon petition of the owners of real property, within or partly within and partly without the district, which petition shall fulfill the same requirements concerning the subdistricts as the petition outlined in section 3 of this act is required to fulfill concerning the organization of the main district, and shall be filed with the clerk of the same court of common pleas, and shall be accompanied by a bond as provided for in section 4 of this act. All proceedings relating to the organization of such subdistricts shall conform in all things to the provisions of this act relating to the organization of districts. Whenever the court shall by its order duly entered of record declare and decree such subdistricts to be organized, the Subdistricts, how organized.

clerk of said court shall thereupon give notice of such order to the directors of the district, who shall thereupon act also as directors of the subdistrict. Thereafter, the proceedings in reference to the subdistrict shall in all matters conform to the provisions of this act; except that in appraisal of benefits and damages for the purposes of such subdistricts, in the issuance of bonds, in the levying of assessments or taxes, and in all other matters affecting only the subdistrict, the provisions of this act shall apply to this subdistrict as though it were an independent district, and it shall not, in these things, be amalgamated with the main district.

The board of directors, board of appraisers, chief engineer, attorney, secretary and other officers, agents and employees of the district shall, so far as it may be necessary, serve in the same capacities for such subdistrict, and contracts and agreements between the main district and the subdistrict may be made in the same manner as contracts and agreements between two districts. The distribution of administrative expense between the main district and subdistrict shall be in proportion to the interests involved and the amount of service rendered, such division to be made by the board of directors with an appeal to the court establishing the district. This section shall not be held to prevent the organization of independent districts for local improvements under other laws within the limits of a district organized under this act, as provided in sections 59 and 60 of this act.

Section 6828-64. How other improvements may come under this act.

SECTION 64. HOW OTHER IMPROVEMENTS MAY COME UNDER THIS ACT. Any territory in which a proceeding has been instituted or is pending for the construction of a single or joint or interstate, county ditch, or township ditch, or underground drain, or levee, or county sewer, or for the cleaning of drains and water courses, or for the removal of drift, or for the drainage of marshes; or for any sewer district outside of a municipality, organized under any other law of this state, may become a district or subdistrict under this act or may be absorbed in and amalgamated with any district organized under the terms of this act in the following manner:

When the officials in charge of any such improvement, or the board of directors of any district organized under this act, which may desire to annex or absorb such territory, petition the court in which such district was organized under this act, or the court having jurisdiction over all or part of the territory affected by the proceeding which is desired to bring under this act, for an order making the territory affected by any of the improvements above noted a district or subdistrict under the terms of this act, or for amalgamating such territory with an existing district, organized under the terms of this act, the clerk of the court shall give notice of the pendency of said petition and of a hearing thereon in the same manner as herein provided for notice and hearing on a petition for the

organization of a district under this act. At the time of such hearing the court shall hear the evidence and shall grant the petition or deny the same as seems most advantageous to all the interests affected thereby. The court in its order shall specify whether such territory shall be organized into a district or subdistrict under the terms of this act, or whether it shall be absorbed in or amalgamated with an existing district, organized under this act. Thereafter the territory affected by said order and the improvements for which said territory was assessed, or for which contracts have been let therein, shall be subject to the terms of this act, and all such orders and procedures shall be had, as are necessary for fulfilling the requirements of this act: Provided, that no order of the court shall be made under this section, which shall lessen the security of any issue of bonds or other obligations issued under the terms of this or any other statute.

If a proceeding sought to be joined to or amalgamated with a proceeding under this act is under the jurisdiction of a common pleas court other than the one having jurisdiction of the district organized under this act, then at such hearing the common pleas judge or judges of the county or counties in which such ditch or other improvement is located shall sit with the judge in whose county the district was established under this act, and a majority of those sitting shall be necessary to a decision; and from such decision or from a failure to decide appeal may be taken.

VII. POLICE POWERS AND REGULATIONS.

Section 6828-65. SECTION 65. MAY POLICE DISTRICT. The board of directors shall have the right to police the works of the district, and in times of great emergency may compel assistance in the protection of such works, and shall, also, have the right to prevent persons, vehicles or live stock from passing over the works of the district in any manner which would result in damage thereto. Right to police district.

Section 6828-66. SECTION 66. INJURY TO SURVEY MARKS PROHIBITED. The willful destruction, injury or removal of any bench marks, witness marks, stakes or other reference marks, placed by the surveyors or engineers of the district or by contractors in constructing the works of the district, shall be a misdemeanor, punishable by fine not exceeding one hundred dollars. Injury to survey marks prohibited; penalty.

Section 6828-67. SECTION 67. OWNERS LIABLE FOR DAMAGE TO DISTRICT. All persons and corporations shall be liable for damage done to works of the district by themselves, their agents, their employees, or by their live stock. All persons guilty of willful damage shall be guilty of a misdemeanor, and shall be fined not to exceed five hundred dollars and costs, and shall be liable for all damages and costs. The board of directors shall have authority to repair such damage at the expense of the person or corporation committing it. Owners are liable for damage to district.

Section 6828-68. Penalty for fraud.

SECTION 68. PENALTY FOR FRAUD. The making of profit, directly or indirectly, by any officer of any district organized under this act, or by any other public officer within the state, out of any contracts entered into by the district, or use of any money belonging to a district by loaning it or otherwise using it, or by depositing the same in any manner, contrary to law, or by removal of any money by any such officer or by his consent and placing it elsewhere than is prescribed either by law or by the official acts of the board of directors, for the purpose of profit, shall constitute a felony, and on conviction thereof shall subject such officer to imprisonment in the state penitentiary for a term not exceeding two years, or a fine not exceeding five thousand dollars, or both fine and imprisonment, and the officer offending shall be liable personally and upon his official bond for all losses to such district and for all profits realized by such unlawful use of moneys.

Section 6828-69. Removal of officials for cause.

SECTION 69. OFFICIALS REMOVED FOR CAUSE. Any director, appraiser or other officer of any district organized under this act may be removed for cause upon a motion filed in the original case where said district was organized, after a hearing.

Section 6828-70. Performance of duties enforced by mandamus.

SECTION 70. PERFORMANCE OF DUTIES ENFORCED BY MANDAMUS. The performance of all duties prescribed in this act concerning the organization and administration or operation of the district may be enforced against any officer or against any person or corporation refusing to comply with any order of the board by mandamus at the instance of the board or of any person or corporation interested in any way in such district or proposed district. And the board may institute such proceedings in the court of appeals in the first instance.

VIII. IRRIGATION.

Section 6828-71. Irrigation.

SECTION 71. IRRIGATION. Districts may be formed under the provisions of this act, for irrigation, by a substantial compliance with the terms as near as possible. But no such district in its construction or operation shall in any manner interfere with works for the prevention of floods, or the drainage of lands, or materially diminish their protective value. And the court organizing such irrigation district shall require a statement in the petition and proof to the effect that the organization and operation of the same will not materially interfere with any works or plans for flood prevention or the drainage or protection of lands. Nor shall any improvement under this act deprive the owners of lands lying upon any stream of water, of the ordinary flow in said stream without compensation therefor.

Subject to the above, the board of directors shall have the same powers as are herein conferred generally by its provisions so far as applicable.

Taxes shall be levied and bonds issued as already provided, using the words "Conservancy Taxes" or "Bonds."

IX. CONSTRUCTION AND INTERPRETATION.

Section 6828-72. SECTION 72. FAULTY NOTICE.—HOW CORRECTED. In any and every case where a notice is provided for in this act, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void; but the court shall in that case order due notice to be given, and shall continue the hearing until such time as such notice shall be properly given, and thereupon shall proceed as though notice had been properly given in the first instance. Faulty notice, how corrected.

In case any individual appraisal or appraisals, assessment or assessments, or levy or levies, shall be held void for want of legal notice, or in case the board may determine that any notice with reference to any land or lands may be faulty, then the board may file a motion in the original cause asking that the court order notice to the owner of such land or lands given and set a time for hearing as provided in this act. And in case the original notice as a whole was sufficient, and was faulty only with reference to publication as to certain tracts, only the owners of and persons interested in those particular tracts need be notified by such subsequent notice. And if the publication of any notice in any county was defective or not made in time, republication of the defective notice need be had only in the county in which the defect occurred.

Section 6828-73. SECTION 73. QUESTION OF VALIDITY ADVANCED IN COURTS. All cases in which there arises a question of the validity of the organization of conservancy districts shall be advanced as a matter of immediate public interest and concern, and heard in all courts at the earliest practicable moment. Question of validity advanced in courts.

The court shall be open at all times for the purposes of this act.

Section 6828-74. SECTION 74. TO BE LIBERALLY CONSTRUED. This act being necessary for securing the public health, safety, convenience or welfare, and being necessary for the prevention of great loss of life and for the security of public and private property from floods and other uncontrolled waters, it shall be liberally construed to effect the control and conservation and drainage of the waters of this state. Liberal construction.

Section 6828-75. SECTION 75. IF PART DECLARED UNCONSTITUTIONAL. In case any section or sections or part of any section of this act shall be found to be unconstitutional, the remainder of the act shall not thereby be invalidated, but shall remain in full force and effect. Part unconstitutional does not invalidate remainder.

Section 6828-76. SECTION 76. WHAT OTHER ACTS ARE REPEALED. All acts or parts of acts conflicting in any way with any of Acts repealed.

the provisions of this act, in regard to improvements of this or a similar character, or regulating or limiting power of taxation or assessment, or otherwise interfering with the execution of this law according to its terms, are hereby declared inoperative and ineffective as to this act, as if they did not exist. But all such laws and parts of laws shall not be in any other way affected by this law. This act shall not repeal the act passed April 10, 1913, and appoved April 12, 1913, (volume 103, page 141, Ohio Laws), but it shall be an additional remedy.

Section 6828-77. Short forms and abbreviations.

SECTION 77. SHORT FORMS AND ABBREVIATIONS. For the sake of convenience:

(a) In any orders of court the words "The court now here finds that it hath jurisdiction of the parties to and of the subject matter of this proceeding" shall be equivalent to a finding that each jurisdictional fact necessary to confer plenary jurisdiction upon the court, beginning with the proper signing and filing of the initial petition to the date of the order containing such recital, has been scrutinized by the court and has been found to meet every legal requirement imposed by this act.

(b) No other or further evidence of the legal hypothecation of the special tax to the payment of the bonds shall be required than the passage of a bonding resolution by the board of directors and the issuance of bonds in accordance therewith.

(c) In the preparation of any assessment or appraisal roll the usual abbreviations employed by engineers, surveyors and abstractors may be used.

(d) Where properly to describe any parcel of land, it would be necessary to use a long description, the appraisers, after locating the land generally, may refer to the book and page of the public record of any instrument in which the land is described, which reference shall suffice to identify for all the purposes of this act the land described in the public record so referred to.

(e) It shall not be necessary in any notice required by this act to be published to specify the names of the owners of the lands or of the persons interested therein; but any such notice may be addressed "to all persons interested" with like effect as though such notice named by name every owner, of any lands within the territory specified in the notice and every person interested therein, and every lienor, actual or inchoate.

(f) Every district declared upon hearing to be a conservancy district shall thereupon become a political subdivision and a public corporation of the state of Ohio, invested with all the powers and privileges conferred upon such districts by this act.

X. SCHEDULE.

Section 6828-78. SECTION 78. FORMS AND SUGGESTIONS. The following forms may suffice to illustrate the character of the procedure contemplated by this act; and if substantially complied with, those things being changed which (to meet the requirements of the particular case) should be changed, such procedure shall be held to meet the requirements of this act. Forms and suggestions.

1. Form of notice of hearing on the petition:

To All Persons Interested:

Public Notice Is Hereby Given:

1. That on the.....day of....., 19...., pursuant to the provisions of the conservancy act of Ohio, there was filed in the office of the clerk of the court of common pleas of.....county, Ohio, the petition of..... and others for the establishment of a conservancy district to be known as.....CONSERVANCY DISTRICT. [Here insert the purposes.]

2. That the lands sought to be included in said district comprise lands in.....and.....counties, Ohio, described substantially as follows:

Beginning on the north line of.....county at its point of intersection with the west bank of the..... river; thence west along the north line of.....county to the high bluffs facing said.....river on the west; thence following the base of the line of said bluffs to the north line of the right of way of the..... railroad; thence west along the north right of way line of said railroad to the center line of.....avenue in the village of.....; thence south along the center line of.....avenue to the.....pike; thence southeasterly along the.....pike to the southeasterly line of the right of way of the.....railroad; thence southeasterly along said right of way line to the corporate limits of the city of.....; thence with said corporation line southerly, easterly and northerly to the southerly right of way line of the main track of the .....railroad; thence easterly along said last named right of way line to the boundary line between .....counties; thence north along said county line to the southerly line of.....county; thence easterly along the dividing line between.....counties to the easterly line of the right of way of the.....railroad; thence northerly along said right of way line to its intersection with the.....pike; thence westerly along said pike to the center line of the bridge over.....creek; thence up said creek and along the center line thereof to the north line of.....county; thence west to the place beginning.

Or, if found more convenient, the lands sought to be included in the district may be described as follows:

Forms and suggestions.

All of township.....in range.....between the.....railroad and the.....river; the following lands in.....township and.....range: section.....and the.....half of section.....; also all lands within the corporate limits of the city of..... .....etc., etc., etc.

3. That a public hearing on said petition will be had in said court on.....the.....day of....., ..., at the hour of.....:.....o'clock.....M. by the court of common pleas of.....county, at the court house in the city of....., ...county, Ohio.

All persons and public corporations owning or interested in real estate within the territory hereinbefore described will be given the opportunity to be heard at the time and place above specified.

.....
Clerk of the court of common pleas of
.....county, Ohio.

Dated....., Ohio,....., 19.....

2. Form of finding on hearing.

STATE OF OHIO, }
.....COUNTY. } ss.

IN THE COURT OF COMMON PLEAS OF.....COUNTY.

In matter of
.....Conservancy District:

FINDINGS AND DECREE ON HEARING.

On this.....day of....., 19....., this cause coming on for hearing upon the petition of..... and others, for the organization of a conservancy district under the conservancy act of the state of Ohio, the court, after a full hearing now here find:

1. That it hath jurisdiction of the parties to, and the subject matter of this proceeding.

2. That the purposes for which said district is established are,

[Insert the purposes.]

And that it is a public necessity.

3. That the public safety, health, convenience and welfare will be promoted by the organization of a conservancy district substantially as prayed in said petition, [if additional lands are added by petition] except, that the following additional lands at the petition of the owners thereof should be, and hereby are included in said district:

[Here insert additional lands.]

4. That the boundaries of said district as modified by the last finding herein are as follows: [Here insert corrected boundaries of district.]

5. That the said territory last above described should be erected into and created a conservancy district under

Forms and suggestions.

the conservancy act of the state of Ohio under the corporate name of.....conservancy district.

Wherefore, it is by the court ordered, adjudged, and decreed:

That the territory as above described be, and the same hereby is erected into and created a conservancy district under the conservancy act of Ohio under the corporate name of.....conservancy district, with its office or principal place of business at....., in .....county, Ohio. [If directors are appointed at the same time.] And the following persons are hereby appointed directors of said conservancy district:

....., for the term of three years,
....., for the term of five years,
....., for the term of seven years,

who are hereby directed to qualify and proceed according to law.

6. For consideration of other matters herein, this cause is retained on the docket.

.....
Judge.

3. Form of Notice to Property Owners to Pay Assessment:

.....CONSERVANCY DISTRICT.

To All Persons Interested:

Public Notice Is Hereby Given:

1. That on the.....day of....., 19....., the board of directors of.....conservancy district duly levied for the account of the bond fund of said district an assessment upon all the property in said district in the aggregate sum of....., has caused the same to be extended upon the assessment duplicate of said district, and that said assessment duplicate is now in collection by the county treasurer of the county in which the lands are situated.

2. That the entire assessment against any parcel of land may be paid at any time on or prior to..... 19....., without costs and without interest.

3. That as soon after the.....day of....., 19....., as conveniently may be, the board of directors of said district will divide the uncollected portion of said assessment into convenient installments and will issue bonds bearing interest not exceeding six per cent. per annum in anticipation of the collection of the several installments of said assessment, pursuant to the conservancy act of the state of Ohio.

.....
President.

.....
Secretary.

Forms and suggestions.

4. Form of Bond, and of Coupon.

(FORM OF BOND.)

No..... $.....

UNITED STATES OF AMERICA.
STATE OF OHIO.
.....CONSERVANCY DISTRICT.
CONSERVANCY BOND.

KNOW ALL MEN BY THESE PRESENTS that..... conservancy district, a legally organized conservancy district of the state of Ohio, acknowledges itself to owe and for value received hereby promises to pay to bearer..... .....dollars ($.....) on the first day of....., 19....., with interest thereon from the date hereof until paid at the rate of.....per cent. per annum, payable....., 19....., and semi-annually thereafter on the first day of..... and of.....in each year on presentation and surrender of the annexed interest coupons as they severally become due. Both principal and interest of this bond are hereby made payable in lawful money of the United States of America, at the office of the Treasurer of the state of Ohio, in the city of Columbus, Ohio.

This bond is one of a series of bonds issued by..... .....conservancy district for the purpose of paying the cost of constructing a system of flood prevention [or for the other works] for said district and in anticipation of the collection of the several installments of an assessment duly levied upon lands within said district and benefited by said improvement in strict compliance with the conservancy act of Ohio, and pursuant to an order of the board of directors of said district duly made and entered of record.

And it it is hereby certified and recited that all acts, conditions and things required to be done in locating and establishing said district and in equalizing appraisals of benefits and in levying assessments against lands benefited thereby, and in authorizing, executing and issuing this bond, have been legally had, done and performed in due form of law; that the total amount of bonds issued by said district does not exceed ninety per cent. of the assessments so levied and unpaid at the time said bonds are issued or any legal limitation thereof.

And for the performance of all the covenants and stipulations of this bond and of the duties imposed by law upon said district for the collection of the principal and interest of said assessments and the application thereof to the payment of this bond and the interest thereon, and for the levying of such other and further assessments as are authorized by law and as may be required for the prompt payment of this bond and the interest thereon, the full faith, credit and resources of said.....conservancy district are hereby irrevocably pledged.

IN TESTIMONY WHEREOF the board of directors of .....conservancy district has caused this bond to be signed by its president and sealed with the corporate seal of said district, attested by its secretary, and registered by the state treasurer of the state of Ohio, and the coupons hereto annexed to be executed by the facsimile signatures of said president and secretary, as of the .....day of....., 19.....:

.....
President.

Attest:

.....
Secretary.

(FORM OF COUPON.)

$.....

On the first day of { ..... } 19....., ...

Conservancy district promises to pay to bearer..... dollars ($.....) lawful money of the United States of America, at the office of the treasurer of the state of Ohio, Columbus, Ohio, being semi-annual interest due on that date on its conservancy bond dated....., 19.....

No..... .....
President.

.....
Secretary.

5. Form of Notice of Enlargement of District.

STATE OF OHIO, }
COUNTY OF..... } ss.

IN THE COURT OF COMMON PLEAS,
.....County, Ohio.

In the Matter of }
..... Conservancy District. }

NOTICE OF ENLARGEMENT OF DISTRICT.

To All Persons [and Public Corporatons, if Any] Interested:

PUBLIC NOTICE IS HEREBY GIVEN:

1. That heretofore on the.....day of....., 19....., the court of common pleas of.....county, Ohio, duly entered a final decree erecting and creating..... .....conservancy district and appointing a board of directors therefor.

2. That thereafter this court duly appointed

.....

.....

.....

to be the board of appraisers for said district. That said

Forms and suggestions.

board of appraisers on the.....day of..... ....., 19....., filed their report recommending that the following described lands, not originally included in the district, be added thereto:

[Here describe generally the lands which the report of the board of appraisers recommends should be added to the district.]

3. That on..... ....., the.....day of ....., 19....., (or as soon thereafter as the convenience of the court will permit) at the court house in..... .....of....., Ohio, the court of common pleas of.....county, Ohio, will hear all persons and public corporations, who are owners of or interested in the property described in this notice upon the question whether said lands should be added to and included in said.....conservancy district.

.....
Clerk of the Court of Common Pleas
of.....County, Ohio.

6. Form of Notice of Hearing on Appraisals.

STATE OF OHIO,
COUNTY OF..... } ss.

IN THE COURT OF COMMON PLEAS,
.....COUNTY, OHIO.

In the Matter of
..... Conservancy District.

NOTICE OF HEARING ON APPRAISALS.

To All Persons and Public Corporations Interested:

PUBLIC NOTICE IS HEREBY GIVEN:

1. That heretofore on the.....day of..... ..... 19....., the court of common pleas of.....county, Ohio, duly entered a decree erecting and creating..... conservancy district and appointing a board of directors therefor.

2. That thereafter this court duly appointed

.....
.....
.....

the board of appraisers for said district. That said board of appraisers on the.....day of....., 19.... filed their appraisals of benefits and damages and of land to be taken as follows:—[Here insert general description of land appraised.]

The said appraisal of benefits and damages and of land to be taken is now on file in the office of the clerk of this court.

3. All public corporations and all persons, owners of or interested in the property described in said report, whether as benefited property or as property taken and damaged (whether said taken or damaged property lies

Forms and suggestions.

within or without said district), desiring to contest the appraisals as made and returned by the board of appraisers, must file their objections in said court on or before the .....day of....., 19....., [here insert a date ten days after the last publication of the notice] and a hearing on said appraisal will be had on the.....day of ....., 19....., [here insert a date not less than twenty, nor more than thirty, days after the date of the last publication of this notice, as fixed by the court] in the city of....., Ohio, at which time an opportunity will be afforded all objectors to be heard upon their several objections.

.....

Clerk of the Court of Common Pleas of.....County, Ohio.

Dated at the city of.....Ohio, this .....day of....., 19.....

7. Form of Certificate of Levy of Assessments:

STATE OF OHIO, }
COUNTY OF..... } ss.

To the Auditor of.....County, Ohio:

This is to certify that by virtue and under the authority of THE CONSERVANCY ACT OF OHIO, the board of directors of.....conservancy district have and do hereby levy the sum of.....dollars for the account of the BOND FUND of said district, which said assessment bears interest as provided by law and is payable in installments as follows: [Here insert.]

You are further notified that for the account of the MAINTENANCE FUND for the year 19..... this board has levied the sum of.....dollars.

The amounts of said levies upon the several parcels of land upon which the same are imposed are set forth upon the schedule hereunto attached, marked..... conservancy assessment book. The said assessments shall be collectable and payable the present year in the sums therein specified at the same time that the state and county taxes are due and collectable, and you are directed and ordered to require the treasurer of..... county, Ohio, to demand and collect such assessments at the time that he demands and collects the state and county taxes due on the same lands, and this conservancy assessment book shall be your authority and the authority of the treasurer to make such collection.

WITNESS the signature of the president of said board of directors, attested by the seal of said corporation, and the signature of its secretary, this.....day of ..... 19.....

.....

President.

.....

Secretary.

XI. EMERGENCY.

Section 6828-79. Emergency act.

SECTION 79. EMERGENCY ACT. This act is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and safety. Such necessity exists by reason of the inadequacy of the present drainage system of the state to carry off unusual rainfalls in a proper and safe manner, as shown by the disastrous floods of March, 1913, which may occur again at any time in the near future with a like unfortunate result in loss of life and property. The existing laws of the state are not adequate to meet this emergency.

The sectional numbers herein are in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 17th, 1914. 8 G.

[House Bill No. 47.]

AN ACT

To make general appropriations and to repeal House Bill No. 670 approved May 9, 1913, (103 O. L. 627) entitled an act "To make general appropriations."

Be it enacted by the General Assembly of the State of Ohio:

General appropriations.

SECTION 1. The following sums, for the purposes hereinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated.

ADJUTANT GENERAL.

Personal service	$23,020 00
Maintenance	12,853 50

STATE HOUSE AND GROUNDS.

Personal service	$24,660 00
Maintenance	19,991 00

OHIO NATIONAL GUARD.

Personal service	$120,000 00
Maintenance	356,712 10

AGRICULTURAL COMMISSION.

Personal service	$248,108 00	General appropriations.
Maintenance	166,312 15	
Receipts.		

ATTORNEY GENERAL.

Personal service	$28,500 00
Maintenance	92,995 11

AUDITOR OF STATE.

Personal service	$54,390 00
Maintenance	2,900 00

OHIO ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

Personal service	$9,940 00
Maintenance	7,250 00
Insurance	144 00

DEPARTMENT OF BANKS AND BANKING.

Personal service	$51,200 00
Maintenance	16,982 00

SECURITIES BUREAU.

Personal service	$9,400 00
Maintenance	1,588 03

INDUSTRIAL COMMISSION OF OHIO.

Personal service	$313,800 00
Maintenance	116,000 00

BOARD OF STATE CHARITIES.

Personal service	$13,800 00
Maintenance	7,769 03

CHILDREN'S WELFARE DEPARTMENT.

Personal service	$5,820 00
Maintenance	4,900 00

STATE BOARD OF HEALTH.

Personal service	$56,945 00
Maintenance	31,433 13

BOARD OF PARDONS.

General appropriations.

Personal service	$3,800 00
Maintenance	.....

DEPARTMENT OF PUBLIC WORKS.

Personal service	$80,950 00
Maintenance	34,110 00

COMMISSIONERS OF PUBLIC PRINTING.

Personal service	$900 00
Maintenance	51,000 00

COMMISSIONER OF SOLDIERS' CLAIMS.

Personal service	$4,350 00
Maintenance	700 00

DEPARTMENT OF PUBLIC INSTRUCTION.

Personal service	$40,310 00
Maintenance	10,316 00

EXECUTIVE DEPARTMENT.

Personal service	$22,800 00
Maintenance	19,751. 00

GEOLOGICAL SURVEY.

Personal service	$5,268 00
Maintenance	1,501 25

Receipts.

INSURANCE DEPARTMENT.

Personal service	$38,700 00
Maintenance	6,640 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

Personal service	$27,250 00
Maintenance	8,908 00

JUDICIARY.

Personal service	$522,400 00
Maintenance	27,400 00

SENATE.

Personal service	$43,545 00
Maintenance	5,000 00

HOUSE OF REPRESENTATIVES.

General appropriations.

Personal service	$135,160 00
Maintenance	All balances remaining unexpended in the house contingent fund, clerk's contingent fund and maintenance of the house fund from any former appropriation acts, including the act, entitled "An Act to make general appropriations" (103 O. L. 611), after paying therefrom all unpaid claims outstanding against the same on the 16th day of February, 1914, which unexpended balances are made available for reclassification under the head of maintenance.

PROSECUTION AND TRANSPORTATION OF CONVICTS.

Personal service	.....
Maintenance	$130,000 00

PUBLIC UTILITIES COMMISSION.

Personal service	$18,000 00
Maintenance	50,000 00

Receipts and balances.

SECRETARY OF STATE.

Personal service	$32,280 00
Maintenance	14,593 03

BUREAU OF VITAL STATISTICS.

Personal service	$23,210 00
Maintenance	3,665 00

OHIO STATE LIBRARY.

CIRCULATION DEPARTMENT.

Personal service	$18,880 00
Maintenance	1,940 00

TRAVELING LIBRARY AND LIBRARY ORGANIZER.

Personal service	$7,380 00
Maintenance	6,492 00

LEGISLATIVE REFERENCE BUREAU.

General appropriations.

Personal service	$6,000 00
Maintenance	1,908 03

SUPERVISOR OF PUBLIC PRINTING AND STATE BINDERY.

Personal service	$35,924 00
Maintenance	99,572 00

SUPREME COURT AND LAW LIBRARY.

Personal service	$16,030 00
Maintenance	8,200 00

CLERK OF THE SUPREME COURT.

Personal service	$9,220 00
Maintenance	572 50

SUPREME COURT REPORTER.

Personal service	$9,500 00
Maintenance	951 03

TAX COMMISSION OF OHIO.

Personal service	$61,800 00
Maintenance	14,740 00

TOPOGRAPHIC SURVEY.

Personal service	.....
Maintenance	$25,000 00

For co-operation with the U. S. geological survey, in the preparation and completion of a contour topographic survey and map of this state. To be paid upon vouchers approved by the governor, and the governor is hereby authorized to arrange for carrying on such work with the representatives of the U. S. geological survey, and he may accept or reject the work of the U. S. geological survey; and if he finds it necessary to have an assistant in this work he may employ a competent person and pay him a reasonable compensation of the appropriation.

TREASURER OF STATE.

General appropriations.

Personal service	$26,800 00
Maintenance	2,604 50
Indemnity bond	1,800 00

BOARD OF ADMINISTRATION.

Personal service, receipts from the Ohio State Sanatorium	$1,384,657 00
Maintenance, receipts from Federal Government and	2,103,995 00

Balances in the appropriation for ordinary repairs and improvements and balances in all appropriations for specific purposes.

In so far as the labor of inmates of state institutions is employed, expenditures for repairs and improvements to be exempt from section 2314 of the General Code of Ohio.

Fixed charges	$1,560 00
Purchase of real estate	100 00
Manufacturing fund, receipts and	50,000 00
Central warehouse, receipts and	50,000 00
Prisoners' compensation	75,000 00

LIMA STATE HOSPITAL.

Personal service	$25,399 40
Maintenance	131,300 60

Receipts.

OHIO COMMISSION FOR THE BLIND.

Personal service	$24,468 00
Maintenance	13,532 00

Receipts.

OHIO REFORMATORY FOR WOMEN.

Personal service	$2,100 00
Maintenance	47,900 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

Personal service	$72,000 00
Maintenance	92,232 92
Insurance	200 00

Receipts.

MIAMI UNIVERSITY.

Maintenance	$100,750 00

Receipts.

OHIO UNIVERSITY.

General appropriations.

Personal service	$11,513 60
Maintenance	125,117 00
Insurance	369 40

Receipts.

OHIO STATE UNIVERSITY.

Personal service	$96,470 00
Maintenance	286,945 00
Purchase of real estate	42,000 00

Receipts.

WILBERFORCE UNIVERSITY.

Personal service	$8,000 00
Maintenance	41,500 00

Receipts.

BOWLING GREEN STATE NORMAL SCHOOL.

Personal service	
Maintenance	$192,000 00

Receipts.

KENT STATE NORMAL SCHOOL.

Personal service	$18,242 00
Maintenance	180,758 00

Receipts.

HEADQUARTERS OHIO G. A. R.

Personal service	$1,800 00
Maintenance	700 00

STATE CIVIL SERVICE COMMISSION.

Personal service	$26,920 00
Maintenance	27,900 00
For compensation of the members of the civil service commission,	12,000 00

It is hereby provided that each of said commissioners shall receive the sum of $4,000.00, provided the extra $1,500.00 be allowed the president of the commission as fixed in section 4 of the civil service law, and that each of said commissioners shall devote all his time to the duties that may be assigned him by the commission and make no charge to the state for expenses while in the city of Columbus, Ohio, and accept said additional sum of $1,500.00 each in lieu of such expenses while in the city of Columbus, and as full compensation for said added services during the year.

STATE HIGHWAY DEPARTMENT.

General appropriations.

State aid in road building receipts and balances of an act "To provide for the registration, identification and regulation of motor vehicles," passed May 9, 1908, and acts amendatory and supplementary thereto.

The revenue paid into the state treasury for the repair, maintenance, protection, policing or patroling of the public roads or highways of the state under an act "To provide for registration, identification and regulation of motor vehicles," passed May 8, 1908, and acts amendatory and supplementary thereto, and under an act "To amend section 3609 of the General Code relating to motor vehicles," house bill No. 1 extraordinary session general assembly 1914.

The proceeds of all money collected under the one-half mill levy as provided for by house bill No. 134, passed by the 80th general assembly of the state of Ohio, entitled "An act providing a levy and to create a fund for the purpose provided in the act passed May 31, 1911, entitled "An act creating a highway department, etc," and acts amendatory and supplementary thereto.

THE STATE LIQUOR LICENSING BOARD.

There is hereby appropriated for the salaries, uses and purposes of the state liquor licensing board and the county liquor licensing boards the receipts and balances in the state liquor fund.

BUREAU OF INSPECTION AND SUPERVISION OF PUBLIC OFFICES.

Receipts.

OHIO BOARD OF PHARMACY.

Receipts.

STATE OIL INSPECTOR.

Receipts.

STATE FIRE MARSHAL.

Receipts.

OHIO STATE DENTAL BOARD.

Receipts.

SECRETARY OF STATE; AUTOMOBILE REGISTRATION DEPARTMENT.

Receipts.

General appropriations.

STATE MEDICAL BOARD.

Receipts.

STATE BOARD OF ACCOUNTANCY.

Receipts.

SECTION 2. All unexpended balances remaining in the funds appropriated in the act entitled "An act to make partial appropriations for the last three-quarters of the fiscal year ending November 15, 1913, and the first quarter of the fiscal year ending February 15, 1914" (103 O. L. 43), except as herein otherwise expressly provided, are hereby reappropriated for the various purposes for which such appropriations were made in such act.

Detailed budget as appendix.

SECTION 3. A detailed and itemized budget of the several departments, institutions, boards and commissions of the state is attached hereto as an appendix. The moneys appropriated in section 1 of this act under the general headings of "Personal service," "Maintenance," or under like designation, to each department, institution, board or commission, shall be and constitute the summary controlling account, and shall be expended only in accordance with such detailed classifications as are provided in said budget, and as provided in section 5 of this act, except as hereinafter in this section provided.

Copies of budget certified to governor and auditor.

Copies of this said budget shall be certified by the secretary of state and delivered, one to the governor and one to the auditor of state.

How moneys may be expended otherwise than as classified in budget.

Authority to expend the moneys appropriated in section 1 of this act, otherwise than in accordance with detailed classifications of the said budget, but within the same summary controlling account, may be granted to any such department, institution, board or commission by a board consisting of the governor, and any competent disinterested person to be appointed by him for such purpose, the chairmen of the finance committees of the house of representatives and the senate respectively, the attorney general, and the auditor of state. Said board may, upon application made to it in writing by a two-thirds vote of all members, authorize moneys set aside under any detailed classification of the budget of such department, institution, board or commission, to be expended for any purpose within the purview of any other detailed classification within the same summary controlling account thereof.

Adjustment of variance in amounts.

In case of any variance between the amount of any summary controlling account and the aggregate amount of the corresponding detailed classifications in said budget the board provided for herein shall, with the advice and assistance of the department, institution, board or commission affected thereby, adjust the amounts of the detailed classifications so as to correspond in the aggregate with the corresponding summary controlling account.

The governor, or the person appointed by him, shall be president, and the auditor of state shall be secretary of the board provided herein. The secretary shall keep a complete record of all the proceedings. All actions of the board shall be certified in duplicate by its secretary to the governor and to the auditor of state.

Record of proceedings.

All meetings of the board shall be open to the public.

The necessary expenses of the chairmen of the senate and house finance committees, while engaged in their duties as such members, shall be paid from the fund for expenses of legislative committees upon itemized vouchers approved by the board.

When expenses of officers of institutions attending conference shall be paid.

SECTION 4. No expenses of officers of any benevolent, penal or educational institution for attending any interstate or national association or conference shall be paid from the appropriation of such benevolent, penal or educational institution, unless the authority to attend such association or conference, is granted at a meeting of the board of trustees or managers of such institution, upon a written resolution, adopted by the board, which shall state the purpose, time and place of meeting of such association or conference, and the reason the attendance at the same is deemed necessary and advisable, and said resolution, if adopted, shall then be submitted to the governor for his written approval, and, if he does not approve the same, the expense for attending such association or conference shall not be paid from the appropriations of such benevolent, penal or educational institution.

How money appropriated shall be drawn.

SECTION 5. No money appropriated in section 1 of this act shall be drawn except in accordance with the detailed classifications of the budget of authorized expenditures, and upon a requisition or voucher presented to the auditor, approved by the head of a department or by the trustees of an institution or by the members of a board or commission, or by an officer or employe of such department, institution, board or commission, specially designated by resolution or order to approve and present such requisition or voucher, a copy of which resolution or order shall be filed with the auditor of state. Such requisitions or vouchers shall set forth, in itemized form and specify the budgetary classification of, the service rendered, or material furnished, or expenses incurred, and the date of purchase, and time of service, and showing that competitive bids were secured or that it was an emergency requiring purchase; and all institutions, boards, commissions and departments to which appropriations are herein made shall render to the auditor of state an itemized account of such receipts and expenditures, as may be required by the auditor of the state; and such institutions, boards, commissions or departments shall be subject to inspection by the auditor of state; and it shall be the duty of the auditor of state to see that these provisions are complied with.

SECTION 6. That the law approved May 9, 1913, and

General appropriations.

entitled an act "To make general appropriations," house bill 670 (103 O. L. 627) be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 17th, 1914. 9 G.

APPENDIX.

Detailed and itemized budget as designated in section 3, H. B. No. 47.

CODE.

A—Personal service.
1—Salaries, regular and temporary.

B—Personal service.
1—Wages, regular and temporary.

C—Supplies.
1—Food supplies.
2—Forage and veterinary supplies.
3—Fuel supplies.
4—Office supplies.
5—Medical and surgical supplies.
6—Laundry, cleaning and disinfecting supplies.
7—Refrigerating supplies.
8—Educational and recreational supplies.
9—Botanical and agricultural supplies.
10—Motor vehicle supplies.
11—General plant supplies.

D—Materials.
1—Highway Materials.
2—Building materials.
3—General plant materials.

E—Equipment.
1—Office equipment.
2—Household equipment.
3—Medical and surgical equipment.
4—Live stock.
5—Motorless vehicles and equipment.
6—Motor vehicles and equipment.
7—Wearing apparel.
8—Educational and recreational equipment.
9—General plant equipment.

F—Contract or open order service.
- 1—General repairs.
- 2—Motor vehicle repairs.
- 3—Water.
- 4—Light, heat and power.
- 5—Janitorial service.
- 6—Transportation.
- 7—Communication.
- 8—General plant service.
- 9—Contingencies.
- 10—Construction.

G—
- 1—Contributions.
- 2—Insurance.
- 3—Debt Service.
  - a—Redemption.
  - b—School fund.
  - c—Sinking fund.. (Interest)
    - 1—School fund.
    - 2—Ministerial fund.
    - 3—Indemnity fund.
    - 4—Ohio University fund.
    - 5—Ohio State University fund.
  - d—University fund.
    - 1—Ohio University.
    - 2—Ohio State University.
    - 3—Miami University.
    - 4—Ohio Normal.
    - 5—Wilberforce.
    - 6—Kent.

H—Purchase of real estate.

I—Recapitulation.

J—Departmental report of revenue and expenditures.

PERSONAL SERVICE.

A1—Compensation for regular services performed on an other than per diem basis.

B1—Compensation for services performed on a daily basis.

SUPPLIES C.

Supplies are articles which can be used but once, or which, after being used once, show a material change in or an appreciable impairment of their physicial condition.

The supplies classification is divided into eleven sub-

General appropriations.

classifications all based on natural groupings, with the exception of the last, "General plant supplies," which is intended to be inclusive of all articles or things which do not fall naturally under one or more of the ten other classifications.

With the exception of this last sub-classification, all the other sub-classifications naturally embrace the articles which they are intended to include.

The sub-classifications under supplies are as follows:

C- 1. Food supplies.
C- 2. Forage and veterinary supplies.
C- 3. Fuel supplies.
C- 4. Office supplies.
C- 5. Medical and surgical supplies.
C- 6. Laundry, cleaning and disinfecting supplies.
C- 7. Refrigerating supplies.
C- 8. Educational and recreational supplies.
C- 9. Botanical and agricultural supplies.
C-10. Motor vehicle supplies.
C-11. General plant supplies.

C-1.

Food forms a natural group. All articles of food for human beings are to be included in this sub-division. However, under no circumstances shall any spirituous liquors be included under food supplies. Only a few departments are called upon to furnish food for employees, patients or inmates. The sub-classification for food supplies, however, is not limited to these departments. Administration departments having supper bills should have an account for food supplies, to which these supper bills should be charged.

C-2.

FORAGE AND VETERINARY SUPPLIES.

Forage and veterinary supplies will include all food articles of whatever nature used for live stock and animals belonging to the state or to institutions supported by legislative appropriation, and all materials and veterinary supplies used in the treatment of their ills. The word "Forage" is used in its full dictionary meaning and covers the food of fish, squirrels, pigs, sheep and zoological specimens as fully as it covers the food of horses and cattle.

C-3.

FUEL SUPPLIES.

Fuel supplies naturally include all substances, such as

coal, wood and oil, used for cooking, heating and generating power. The only fuel item which is separated from this natural classification and which is not to be charged to fuel accounts is gasolene or other fuel used in motor vehicles. This separation is made because it is important to make separate appropriations for the operation of automobiles.

C-4.

OFFICE SUPPLIES.

Office supplies will include all articles necessary to the proper operation of an office, except articles properly classed as equipment. The following articles will be included under office supplies when used exclusively for that purpose:

Ice.
Towels.
Postage.

Stationery and printing when not supplied by public printer and secretary of state.

It may seem illogical to include all stationery under supplies in view of the fact that many articles of stationery are durable and last for years, but practically no stationery is purchased by the departments except blank forms for emergency use, articles not obtainable from public printer and secretary of state and small articles for transient use, so it is not considered advisable to separate stationery into equipment and supplies.

Office supplies will include very few items. A typewriter is emphatically not an office supply but office equipment. A ribbon which is used upon a typewriter is an office supply. In most instances appropriations for office supplies consist only of an amount sufficient to pay for towel supplies, ice water, postage and stationery for emergency use.

C-5.

MEDICAL AND SURGICAL SUPPLIES.

Medical and surgical supplies consist chiefly of medicines, bandages and other little articles that are used once in the treatment of or operation upon a patient and then thrown away. This heading will not include any instrument or other equipment used in or around a hospital. Articles which have been misnamed in the past as surgical supplies are included under the heading of medical and surgical equipment. Medical and surgical supplies include all whiskey, wines, alcohol or other spirituous liquors. Spirituous liquors must not be charged to a food supply account. Supplies used in the laboratories of hospitals are properly chargeable to medical and surgical accounts, but no article which can be used over and over again without material impairment of its physical con-

General appropriations.

dition should be charged to this account. Appropriations for such articles shall be made under medical and surgical equipment accounts.

C-6.

LAUNDRY, CLEANING AND DISINFECTING SUPPLIES.

Laundry, cleaning and disinfecting supplies will include all soap, soda, starch, blueing, scouring powders, cleaning preparations, carbolic acid, deodorants and disinfectants used in the laundry or anywhere for laundry, cleaning and disinfecting purposes.

C-7.

REFRIGERATING SUPPLIES.

Refrigerating supplies are to include all ice, ammonia, salt and other articles of similar character used for refrigerating purposes. No tool, implement or other piece of equipment is included under this heading. Such tools, implements and other equipment are chargeable to general plant equipment.

It should be kept in mind that all ice is not to be classified as refrigerating supplies. The ice used for cooling water in the office serves the same purpose, but it is so insignificant in amount that it could not be well set up in account by itself; therefore, it is classified properly as an office supply.

C-8.

EDUCATIONAL AND RECREATIONAL SUPPLIES.

Educational and recreational supplies are to consist of all articles of transient use in schools, playgrounds and recreation centers, provided that the articles can be either used but once, or if used more than once, will show a material change in their condition.

C-9.

AGRICULTURAL AND BOTANICAL SUPPLIES.

Agricultural and botanical supplies will consist of seeds, bulbs, young plants, fertilizers, etc., used for farm, park or public grounds but will not include any tools or implements used in planting or cultivating such plants.

C-10.

MOTOR VEHICLE SUPPLIES.

Motor vehicle supplies will consist chiefly of gasolene or such other fuel as is used in the operation of an automo-

bile. It will include lubricating oils and other articles which can be used but once, or which will show a material change in their condition if used more than once. General appropriations.

C-11.

GENERAL PLANT SUPPLIES.

General plant supplies will embrace all articles, not otherwise classified, used in any plant, no matter what the plant may be. No articles classified or classifiable in any of the preceding classifications should be included under the heading of general plant supplies, except in cases where no appropriation exists for the proper classification and when special exceptions are made. This classification is intended to cover only those things which have not been classified elsewhere.

MATERIALS D.

MATERIALS.

Materials are articles and substances in a natural or manufactured state entering into the construction or repair of any building, highway, apparatus, machinery or other equipment.

There are three sub-classifications of materials, as follows:

D-1. Highway materials.
D-2. Building materials.
D-3. General plant materials.

D-1.

Money appropriated for the repairs of highway is classified under highway materials.

D-2.

Money appropriated for repairs to public buildings and offices is classified under building materials.

D-3.

Money appropriated for materials other than those classified under the two preceding classifications is included in the general plant materials accounts.

EQUIPMENT E.

EQUIPMENT.

Equipment includes all apparatus, machinery, vehicles, tools, instruments, furniture, fittings and other articles

General appropriations.

which can be used over and over again without a material change in or an appreciable impairment of their physicial condition.

The grand division of equipment has been divided into nine subdivisions, as follows:

The grand division of equipment has been divided into nine subdivisions, as follows:

E-1. Office equipment.
E-2. Household equipment.
E-3. Medical and surgical equipment.
E-4. Live stock.
E-5. Motorless vehicles and equipment.
E-6. Motor vehicles and equipment.
E-7. Wearing apparel.
E-8. Educational and recreational equipment.
E-9. General plant equipment.

E-1.

OFFICE EQUIPMENT.

Office equipment will consist of every article of furniture and equipment necessary in an office, provided, however, that no article furnished by public printer or secretary of state and chargeable under office supplies charged to equipment account.

Office equipment accounts are to cover the cost of typewriters, adding machines, desks, tables, chairs, letter presses, racks, carpets, rugs, filing cases, mimeographs, etc.

E-2.

HOUSEHOLD EQUIPMENT.

Household equipment accounts are intended for the hospitals and institutions maintained by the state. Household equipment includes all furniture, such as chairs, desks, tables, rugs, carpets, bureaus, dressers, bedsteads, bedding, bed linen, towels, stoves, cooking utensils, tableware and other dining room furniture and equipment for institutions, such as the penitentiary, reformatory, state hospitals, etc.

E-3.

MEDICAL AND SURGICAL EQUIPMENT.

Medical and surgical equipment includes all instruments, operating tables and other equipment to be used in operating upon or in the treatment of patients. It does not include beds, bedding or other household equipment in the wards or sick rooms.

E-4.

LIVE STOCK.

General appropriations.

Live stock includes all horses, cattle and all zoological specimens purchasable out of state funds.

E-5.

MOTORLESS VEHICLES AND EQUIPMENT.

Motorless vehicles and equipment includes all vehicles of whatever character which are not self propelled. All horse-drawn trucks, wagons, buggies, carriages, carts, etc., are to be included under this heading.

E-6.

MOTOR VEHICLES AND EQUIPMENT.

Motor vehicles and equipment will include all automobiles, motorcycles and other self propelled vehicles, with the exception of motor fire apparatus, which would be classed as general plant equipment.

E-7.

WEARING APPAREL.

Wearing apparel will include all clothing or other apparel to be worn upon the body by patients, inmates or employees of state institutions or employees in any department to be equipped by the state with clothing. It will include boots, all parts of uniforms, such as buttons and all shield and badges.

E-8.

EDUCATIONAL AND RECREATIONAL EQUIPMENT.

Educational and recreational equipment will include all gymnasium apparatus, school equipment used in play grounds, schools or recreation centers. It will not include any power plant, pumping station or shop connected with any recreation center, as such will be included under general plant equipment.

E-9.

GENERAL PLANT EQUIPMENT.

General plant equipment will include all equipment not otherwise classified. In some cases it will include practically all the equipment of the departments.

CONTRACT OR OPEN ORDER SERVICE. F.

General appropriations.

CONTRACT OR OPEN ORDER SERVICE.

The sub-classifications under contract or open order service are practically self-explanatory. They are as follows:

F- 1. General repairs.
F- 2. Motor vehicle repairs.
F- 3. Water.
F- 4. Light, heat and power.
F- 5. Janitorial service.
F- 6. Transportation.
F- 7. Communication, and
F- 8. General plant service.
F- 9. Contingencies.
F-10. Construction and betterments.

All these sub-classifications are made clear by their titles and it is unnecessary to further indicate the things which they include. General plant service also (F-8) includes all personal service other than that included in A-1 and B-1 of the budget, including special counsel of attorney general and all contract services.

FIXED CHARGES. G.

FIXED CHARGES AND CONTRIBUTIONS.

Fixed charges and contributions is further sub-divided as follows:

Contributions.
Insurance.
Debt service.
Other fixed charges.

The debt service is sub-divided into 4 parts, as follows:

Redemption.
School fund.
Sinking fund (interest).
University fund.

Sinking fund is sub-divided into 5 parts, as follows:

School fund.
Ministerial fund.
Indemnity fund.
Ohio University fund.
Ohio State University fund.

University fund is sub-divided into 6 parts, as follows:

Ohio University.
Ohio State University.
Miami Normal.

Ohio Normal.
Wilberforce.
Kent Normal.

PURCHASE OF REAL ESTATE. H.

This form provides for the contemplated acquisition of real estate and is deemed self-explanatory.

ADJUTANT GENERAL.

PERSONAL SERVICE.			
A- 1	$23,020 00		$23,020 00
MAINTENANCE.			
C- 4	$1,290 50	$1,290 50	
E- 1	177 00	177 00	
F- 6	436 00		
F- 7	800 00		
F- 9	150 00		
F-10	3,000 00		
		$4,386 00	
For furniture and carpets necessary for use in the departments of government located in the city of Columbus, O.		$7,000 00	$12,853 50

STATE HOUSE AND GROUNDS.

PERSONAL SERVICE.			
A-1	$24,660 00		$24,660 00
MAINTENANCE.			
C- 2	$120 00		
C- 6	351 00		
C- 9	210 00		
C-11	160 00		
		$841 00	
D- 3	400 00	400 00	
E- 9	1,775 00	1,775 00	
F- 1	500 00		
F- 3	600 00		
F- 4	15,000 00		
F- 6	170 00		
F- 7	30 00		
F- 8	75 00		
F-10	600 00		
		$16,975 00	
			$19,991 00

OHIO NATIONAL GUARD.

General appropriations.

PERSONAL SERVICE.			
A-1	$120,000 00		$120,000 00
MAINTENANCE.			
C	$20,000 00		
E	1,000 00		
F	335,712 10		
			$356,712 10

AGRICULTURAL COMMISSION.

PERSONAL SERVICE.			
A-1	$209,300 00		
B-1	38,808 00		
			$248,108 00
MAINTENANCE.			
C- 1	$100 00		
C- 2	9,000 00		
C- 3	7,500 00		
C- 4	3,507 75		
C- 5	300 00		
C- 6	218 00		
C- 7	200 00		
C- 9	2,100 00		
C-11	11,541 45		
		$34,467 20	
D- 2	5,000 00		
D- 3	2,500 00		
		7,500 00	
E- 1	1,078 85		
E- 4	5,000 00		
E- 5	1,600 00		
E- 7	25 00		
E- 8	500 00		
E- 9	3,835 60		
		12,039 45	
F- 1	5,012 50		
F- 6	42,628 00		
F- 7	997 00		
F- 8	45,468 00		
F- 9	1,000 00		
F-10	17,200 00		
		$112,305 50	
			$166,312 15

ATTORNEY GENERAL.

PERSONAL SERVICE.			
A- 1	$28,500 00		$28,500 00

MAINTENANCE.			
C- 4	$860 00		
C-11	134 08		
		$994 08	
E-11	396 03		
E- 9	50 00		
		446 03	
F- 1	25 00		
F- 6	4,018 00		
F- 7	625 00		
F- 8	86,862 00		
F- 9	25 00		
		$81,555 00	
			$92,995 11

AUDITOR OF STATE.

PERSONAL SERVICE.			
A- 1	$54,390 00		$54,390 00
MAINTENANCE.			
C- 4	$800 00		
C- 8	50 00		
C-11	50 00		
		$900 00	
E- 1	100 00		
E- 8	25 00		
E- 9	50 00		
		175 00	
F- 1	100 00		
F- 6	1,000 00		
F- 7	425 00		
F- 8	50 00		
F- 9	250 00		
		$1,825 00	
			$2,900 00

OHIO ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

PERSONAL SERVICE.			
A- 1	$9,940 00		$9,940 00
MAINTENANCE.			
C- 4	$125 00		
C-11	2,150 00		
		$2,275 00	
E- 9	1,975 00	1,975 00	
F	3,000 00	3,000 00	
			$7,250 00
G	144 00	144 00	144 00

DEPARTMENT OF BANKS AND BANKING.

General appropriations.

PERSONAL SERVICE.			
A- 1	$51,200 00		$51,200 00
MAINTENANCE.			
C- 4	$620 00	$620 00	
F- 6	14,085 00		
F- 7	477 00		
F- 8	1,700 00		
F- 9	100 00		
		$16,362 00	
			$16,982 00

SECURITIES DEPARTMENT.

PERSONAL SERVICE.			
A- 1	$9,400 00		$9,400 00
MAINTENANCE.			
C- 4	$305 00	$305 00	
E- 1	83 03	83 03	
F- 6	1,200 00	1,200 00	
			$1,588 03

INDUSTRIAL COMMISSION OF OHIO.

PERSONAL SERVICE.			
A- 1	$313,800 00		$313,800 00
MAINTENANCE.			
C	$34,000 00		
E	2,000 00		
F	80,000 00		
			$116,000 00

BOARD OF STATE CHARITIES.

PERSONAL SERVICE.			
A- 1	$13,800 00		$13,800 00
MAINTENANCE.			
C- 4	$1,284 00	$1,284 00	
E- 1	143 03	143 03	
F- 1	25 00		
F- 6	4,010 00		
F- 7	210 00		
F- 8	2,097 50		
		$6,342 50	
			$7,769 53

CHILDREN'S WELFARE DEPARTMENT.

PERSONAL SERVICE.			
A- 1	$5,820 00		$5,820 00

C- 4	300 00	$300 00		General appropriations.
E- 1	100 00	100 00		
F- 6	2,500 00			
F- 8	2,000 00			
		$4,500 00		
			$4,900 00	

STATE BOARD OF HEALTH.

Personal Service.			
A- 1	$54,550 00		
B- 1	2,395 00		
			$56,945 00
Maintenance.			
C- 2	$200 00		
C- 4	3,550 00		
C- 5	600 00		
C- 7	125 00		
C-11	170 00		
		$4,645 00	
E- 1	233 13		
E- 3	3,500 00		
E- 4	100 00		
E- 8	2,860 00		
E- 9	1,010 00		
		7,703 13	
F- 1	115 00		
F- 4	150 00		
F- 6	11,720 00		
F- 7	700 00		
F- 8	2,900 00		
F- 9	1,000 00		
F-10	2,500 00		
		$19,085 00	
			$31,433 13

BOARD OF PARDONS.

Personal Service.			
A- 1	$3,800 00		$3,800 00

DEPARTMENT OF PUBLIC WORKS.

Personal Service.			
A- 1	$60,950 00		
B- 1	20,000 00		
			$80,950 00
Maintenance.			
C- 2	$1,600 00		
C- 3	800 00		
C- 4	800 00		
C-10	340 00		
C-11	300 00		
		$3,840 00	

General appropriations.

D- 3	4,000 00	$4,000 00	
E- 1	35 00		
E- 9	2,000 00		
		2,035 00	
F- 6	5,000 00		
F- 7	1,000 00		
F-10	18,235 00		
		$24,235 00	
			$34,110 00

COMMISSIONERS OF PUBLIC PRINTING.

PERSONAL SERVICE.			
A- 1	$900 00		$900 00
MAINTENANCE.			
F- 8	$51,000 00		$51,000 00

COMMISSIONER OF SOLDIERS' CLAIMS.

PERSONAL SERVICE.			
A- 1	$4,350 00		$4,350 00
MAINTENANCE.			
C- 4	$56 00	$56 00	
F- 6	100 00		
F- 7	40 00		
F- 8	500 00		
F- 9	4 00		
		$644 00	
			$700 00

DEPARTMENT OF PUBLIC INSTRUCTION.

PERSONAL SERVICE.			
A- 1	$39,510 00		
B- 1	800 00		
			$40,310 00
MAINTENANCE.			
C- 4	$1,200 00	$1,200 00	
E- 1	200 00	200 00	
F- 6	3,400 00		
F- 7	200 00		
F- 8	5,316 00		
		$8,916 00	
			$10,316 00

EXECUTIVE DEPARTMENT.

PERSONAL SERVICE.			
A- 1	$22,800 00		$22,800 00

MAINTENANCE.			
C- 3	$50 00		
C- 4	1,101 00		
		$1,151 00	
E- 1	100 00	100 00	
F- 6	400 00		
F- 7	1,100 00		
F- 8	10,000 00		
F- 9	7,000 00		
		$18,500 00	
			$19,751 00

GEOLOGICAL SURVEY.

PERSONAL SERVICE.			
A- 1	$5,168 00		
B- 1	100 00		
			$5,268 00
MAINTENANCE.			
C- 4	$159 75	$159 75	
F- 1	35 00		
F- 6	1,150 00		
F- 7	56 50		
F- 8	100 00		
		$1,341 50	
			$1,501 25

INSURANCE DEPARTMENT.

PERSONAL SERVICE.			
A- 1	$38,700 00		$38,700 00
MAINTENANCE.			
C- 4	$1,200 00	$1,200 00	
E- 1	200 00	200 00	
F- 1	100 00		
F- 6	4,150 00		
F- 7	240 00		
F- 9	250 00		
F-10	500 00		
		$5,240 00	
			$6,640 00

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

PERSONAL SERVICE.			
A- 1	$27,250 00		$27,250 00
MAINTENANCE.			
C- 4	$355 00	$355 00	
E- 1	83 00	83 00	
F- 1	5 00		

General appropriations.

F- 6	$7,325 00		
F- 7	150 00		
F- 8	985 00		
F- 9	5 00		
		$8,470 00	
			$8,908 00

THE JUDICIARY.

PERSONAL SERVICE.			
A- 1	$522,400 00		$522,400 00
MAINTENANCE.			
F- 6	$27,400 00		$27,400 00

PROSECUTION AND TRANSPORTATION OF CONVICTS.

MAINTENANCE.			
F- 8	$130,000 00		$130,000 00

SENATE.

PERSONAL SERVICE.			
A- 1	$37,545 00		
B- 1	6,000 00		
			$43,545 00
MAINTENANCE.			
C- 4	$337 50	$337 50	
E- 1	61 00		
E- 9	10 00		
		71 00	
F- 1	$160 00		
F- 6	783 00		
F- 7	122 00		
F- 8	3,526 50		
		$4,591 50	
			$5,000 00

HOUSE OF REPRESENTATIVES.

PERSONAL SERVICE.			
A- 1	$119,900 00		
B- 1	15,260 00		
			$135,160 00

PUBLIC UTILITIES COMMISSION.

PERSONAL SERVICE.			
A- 1	$18,000 00		$18,000 00
MAINTENANCE.			
F- 8	$50,000 00		$50,000 00

SECRETARY OF STATE.

PERSONAL SERVICE.				
A- 1	$32,280 00		$32,280 00	General appropriations.
MAINTENANCE.				
C- 4	$1,910 00			
C-11	50 00			
		$1,960 00		
E- 1	83 03			
E- 9	50 00			
		133 03		
F- 7	500 00			
F- 8	12,000 00			
		$12,500 00		
			$14,593 03	

BUREAU OF VITAL STATISTICS.

PERSONAL SERVICE.			
A- 1	$23,210 00		$23,210 00
MAINTENANCE.			
C- 4	$500 00		
C-11	100 00		
		$600 00	
E- 9	100 00	100 00	
F- 6	360 00		
F- 7	135 00		
F- 8	2,470 00		
		$2,965 00	
			$3,665 00

OHIO STATE LIBRARY.

CIRCULATION DEPARTMENT.

PERSONAL SERVICE.			
A- 1	$18,880 00		$18,880 00
MAINTENANCE.			
C- 4	$445 00	$445 00	
E- 9	1,000 00	1,000 00	
F- 6	335 00		
F- 7	160 00		
		$495 00	
			$1,940 00

TRAVELING LIBRARY AND LIBRARY ORGANIZER.

PERSONAL SERVICE.			
A- 1	$7,380 00		$7,380 00

General appropriations.

MAINTENANCE.

C- 4	$1,022 00	$1,022 00	
E- 9	4,100 00	4,100 00	
F	1,370 00	1,370 00	
			$6,492 00

LEGISLATURE REFERENCE BUREAU.

PERSONAL SERVICE.

A- 1	$6,000 00		$6,000 00

MAINTENANCE.

C- 4	$600 00		
C-11	175 00		
		$755 00	
E- 1	83 03		
E- 9	500 00		
		583 03	
F- 6	175 00		
F- 7	160 00		
F- 8	215 00		
		$550 00	
			$1,908 03

SUPERVISOR OF PUBLIC PRINTING AND STATE BINDERY.

PERSONAL SERVICE.

A- 1	$35,924 00		$35,924 00

MAINTENANCE.

C- 4	$95 00		
C	5,000 00		
		$5,095 00	
E	1,000 00	1,000 00	
F- 1	20 00		
F- 6	60 00		
F- 7	94 00		
F- 8	85,000 00		
F- 9	50 00		
F	8,253 00		
		$93,477 00	
			$99,572 00

SUPREME COURT AND LAW LIBRARY.

PERSONAL SERVICE.

A- 1	$16,030 00		$16,030 00

MAINTENANCE.

C- 4	900 00		
C- 6	100 00		
C-11	250 00		
		$1,250 00	

E- 1	$465 00		
E- 9	4,195 00		
		$4,660 00	
F- 1	400 00		
F- 6	400 00		
F- 7	940 00		
F- 8	150 00		
F- 9	400 00		
		$2,290 00	
			$8,200 00

CLERK OF THE SUPREME COURT.

PERSONAL SERVICE.

A- 1	$9,220 00		$9,220 00

MAINTENANCE.

C- 4	$340 50	$340 50	
E- 1	58 00	58 00	
F- 1	8 00		
F- 6	10 00		
F- 7	148 00		
F- 8	8 00		
		$174 00	
			$572 50

SUPREME COURT REPORTER.

PERSONAL SERVICE.

A- 1	$9,500 00		$9,500 00

MAINTENANCE.

C- 4	$133 00	$133 00	
E- 1	83 03		
E- 9	150 00		
		233 03	
F- 6	10 00		
F- 7	75 00		
F- 9	500 00		
		$585 00	
			$951 03

TAX COMMISSION OF OHIO.

PERSONAL SERVICE.

A- 1	$56,800 00		
B- 1	5,000 00		
			$61,800 00

MAINTENANCE.

C- 4	$2,000 00	$2,000 00	
E- 1	850 00	850 00	
F- 1	125 00		
F- 6	6,200 00		
F- 7	550 00		
F- 8	5,015 00		
		$11,890 00	
			$14,740 00

General appropriations.

TOPOGRAPHIC SURVEY.

MAINTENANCE.			
F	$25,000 00		$25,000 00

TREASURER OF STATE.

PERSONAL SERVICE.			
A- 1	$26,800 00		$26,800 00
MAINTENANCE.			
C- 4	$1,759 50	$1,759 50	
E- 1	359 00	359 00	
F- 7	351 00		
F- 8	135 00		
		$486 00	
			$2,604 50
INDEMNITY BOND	$1,800 00		$1,800 00

BOARD OF ADMINISTRATION.

PERSONAL SERVICE.			
A- 1	$1,363,457 00		
B- 1	21,200 00		
			$1,384,657 00
MAINTENANCE.			
C- 1	$823,500 00		
C- 2	49,250 00		
C- 3	272,800 00		
C- 4	15,500 00		
C- 5	44,575 00		
C- 6	27,500 00		
C- 7	6,450 00		
C- 8	10,425 00		
C- 9	22,600 00		
C-10	2,280 00		
C-11	43,900 00		
		$1,318,780 00	
D- 2	$80,000 00		
D- 3	188,000 00		
		268,000 00	
E- 1	4,575 00		
E- 2	88,600 00		
E- 3	2,525 00		
E- 4	97,850 00		
E- 5	2,035 00		
E- 6	1,350 00		
E- 7	143,900 00		
E- 8	4,450 00		
E- 9	39,100 00		
		384,385 00	
F- 1	10,980 00		
F- 2	1,975 00		

F- 3	$12,100 00		
F- 4	38,050 00		
F- 5			
F- 6	11,185 00		
F- 7	7,665 00		
F- 8	50,875 00		
		$132,830 00	
			$2,103,995 00
G. Premium on bonds		$1,560 00	
Purchase of real estate		100 00	
Prisoners' compensation		75,000 00	
Central warehouse		50,000 00	
Manufacturing and sales		50,000 00	
			$176,660 00

LIMA STATE HOSPITAL.

PERSONAL SERVICE.

A- 1	$13,180 00		
B- 1	12,219 40		
			$25,399 40

MAINTENANCE.

C- 3	$7,025 00		
C-11	6,000 00		
		$13,025 00	
E- 2	20,000 00	20,000 00	
F-10	93,275 60	93,275 60	
			$126,300 60
H	5,000 00	5,000 00	$5,000 00

OHIO COMMISSION FOR THE BLIND.

PERSONAL SERVICE.

A- 1	$23,456 00		
B- 1	1,012 00		
			$24,468 00

MAINTENANCE.

C	1,500 00	$1,500 00	
D- 3	5,000 00	5,000 00	
E	900 00	900 00	
F	6,132 00	6,132 00	
			$13,532 00

OHIO REFORMATORY FOR WOMEN.

PERSONAL SERVICE.

A- 1	$2,100 00	$2,100 00

MAINTENANCE.

F-10	$47,900 00	$47,900 00

OHIO SOLDIERS' AND SAILORS' ORPHANS' HOME.

General appropriations.

PERSONAL SERVICE.

A- 1	$70,000 00		
B- 1	2,000 00		
			$72,000 00

MAINTENANCE.

C- 1	$35,000 00		
C- 2	1,500 00		
C- 3	15,000 00		
C- 4	298 22		
C- 5	400 00		
C- 6	1,600 00		
C- 7	350 00		
C- 8	1,450 00		
C- 9	650 00		
C-10	1,200 00		
		$57,448 22	
D- 2	4,000 00		
D- 3	4,000 00		
		8,000 00	
E- 2	1,875 00		
E- 3	100 00		
E- 4	550 00		
E- 5	50 00		
E- 7	7,000 00		
E- 8	1,400 00		
E- 9	3,200 00		
		14,175 00	
F- 6	2,150 00		
F- 7	210 00		
F- 8	5,485 00		
F- 9	200 00		
F-10	4,564 70		
		$12,609 70	
			$92,232 92
G-2 Insurance			200 00

MIAMI UNIVERSITY.

MAINTENANCE.

C	$19,460 00	$19,460 00	
D	100 00	100 00	
E	17,130 00	17,130 00	
F	64,060 00	64,060 00	
			$100,750 00

OHIO UNIVERSITY.

PERSONAL SERVICE.

A- 1	$7,309 60		
B- 1	4,204 00		
			$11,513 60

MAINTENANCE.

C- 1	$700 00		
C- 3	6,000 00		
C- 4	5,635 00		
C- 5	100 00		
C- 6	200 00		
C- 7	50 00		
C- 8	1,600 00		
C- 9	400 00		
C-11	1,500 00		
		$16,185 00	
D- 3	5,000 00	5,000 00	
E- 1	550 00		
E- 2	1,882 00		
E- 8	9,000 00		
E- 9	8,000 00		
		19,432 00	
F- 1	6,000 00		
F- 3	2,200 00		
F- 4	1,800 00		
F- 6	4,700 00		
F- 7	400 00		
F- 8	600 00		
F- 9	3,800 00		
F-10	65,000 00		
		$84,500 00	
			$125,117 00
G- 2	369 40		369 40

OHIO STATE UNIVERSITY.

PERSONAL SERVICE.

A- 1	$84,620 00		
B- 1	11,850 00		
			$96,470 00

MAINTENANCE.

C- 3	$25,285 00		
C- 4	2,562 50		
C- 8	156 00		
C- 9	642 60		
C-10	16 20		
C-11	7,030 00		
		$35,692 30	
D- 1	500 00		
D- 3	7,000 00		
		7,500 00	
E- 1	400 00		
E- 4	3,000 00		
E- 5	198 00		
E- 8	53,800 00		
E- 9	27,000 00		
		$84,398 00	

General appropriations.

F- 1	$10,000 00		
F- 3	8,160 00		
F- 4	9,902 70		
F- 6	3,200 00		
F- 7	250 00		
F- 8	25,000 00		
F-10	102,842 00		
		$159,354 70	
			$286,945 00
H	42,000 00		42,000 00

WILBERFORCE UNIVERSITY.

PERSONAL SERVICE.

A- 1	$8,000 00		$8,000 00

MAINTENANCE.

C	$10,000 00	$10,000 00	
D	5,500 00	5,500 00	
E	15,000 00	15,000 00	
F	11,000 00	11,000 00	
			$41,500 00

BOWLING GREEN STATE NORMAL SCHOOL.

MAINTENANCE.

C- 1	$100 00		
C- 3	3,000 00		
C- 4	1,000 00		
C- 5	35 00		
C- 8	2,000 00		
C- 9	500 00		
C-11	125 00		
		$6,760 00	
D- 2	700 00		
D- 3	25 00		
		725 00	
E- 1	800 00		
E- 2	7,500 00		
E- 4	1,000 00		
E- 8	30,000 00		
E- 9	4,400 00		
		43,700 00	
F- 1	500 00		
F- 3	400 00		
F- 4	1,000 00		
F- 6	2,000 00		
F- 7	200 00		
F-10	136,715 00		
		$140,815 00	
			$192,000 00

KENT STATE NORMAL SCHOOL.

General appropriations.

PERSONAL SERVICE.			
A- 1	$15,560 00		
B- 1	2,682 00		
			$18,242 00
MAINTENANCE.			
C	$8,000 00	$8,000 00	
D	2,000 00	2,000 00	
E	12,000 00	12,000 00	
F- 1	7,758 00		
F-10	151,000 00		
		$158,758 00	
			$180,758 00

HEADQUARTERS OHIO G. A. R.

PERSONAL SERVICE.		
A- 1	$1,800 00	$1,800 00
MAINTENANCE.		
F- 8	$700 00	$700 00

STATE CIVIL SERVICE COMMISSION.

PERSONAL SERVICE.			
A- 1	$31,920 00		
B- 1	7,000 00		
			$38,920 00
MAINTENANCE.			
C- 4	$6,000 00	$6,000 00	
F- 6	7,000 00		
F- 7	300 00		
F- 8	14,600 00		
		$21,900 00	
			$27,900 00

[House Bill No. 14.]

AN ACT

To amend sections 7805, 7806, 7807, 7808, 7810, 7811 to 7823 inclusive, 7825, 7830, 7831, 7832, 7832-1, 7834, 7835, 7836, 7837, 7839, 7844, 7845, 7846, 7847, 7854, 7855, 7857, 7858, to add supplementary sections 7807-1 to 7807-6 inclusive, 7821-1, 7821-2, 7822-1, 7823-1, and 7832-2, and to repeal sections 7740, 7741, 7848, 7858-1 to 7858-7 inclusive of the General Code relating to the certification and examination of teachers in the public schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7805, 7806, 7807, 7808, 7810, 7811 to 7823 inclusive, 7825, 7830, 7831, 7832, 7832-1, 7834, 7835, 7836, 7837, 7838, 7839, 7844, 7845, 7846, 7847, 7854, 7855, 7857, 7858 of the General Code be amended and supplementary sections 7807-1 to 7807-7 inclusive, 7821-1, 7821-2, 7822-1, 7823-1, 7832-2 and 7832-3 be added to read as follows:

State board; appointment and qualifications.

Sec. 7805. There shall be a state board of school examiners, consisting of five competent persons, resident of the state, to be appointed by the superintendent of public instruction. Not more than three of them shall belong to the same political party.

Terms and vacancies.

Sec. 7806. The term of office of such examiners shall be five years. The term of one of the examiners shall expire on the thirty-first day of August each year. When a vacancy occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the superintendent of public instruction shall fill it by appointment for the full or unexpired term, as the case demands.

Power to issue certificates; Record thereof.

Sec. 7807. The board thus constituted may issue three grades of life certificates to such persons as are found to possess the requisite scholarship, and who exhibit satisfactory evidence of good moral character and of professional experience and ability. The certificates shall be for different grades of schools according to branches taught and be valid in the schools specified therein. The clerk of the board shall keep a record of the proceedings, showing the number, date and grade of each certificate, to whom granted, and for what branches of study, and report such statistics to the superintendent of public instruction, annually, on or before the thirty-first day of August.

Professional training of applicants required.

Sec. 7807-1. Applicants for life certificates of any kind shall possess an amount of professional training as follows:

1. On and after January first, 1915, not less than a one-year course or its equivalent in summer school work, in a recognized institution of college or normal school rank for the training of teachers, or a year's course in an arts college on the recognized list, maintaining a practice department.

2. On and after January first, 1920, not less than a two-year course, or its equivalent in summer school work,

in a recognized institution of college or normal school rank for the training of teachers, or two years' work in an arts college on the recognized list maintaining a practice department, not less than one-fourth of which work shall be in educational subjects including observation and practice teaching.

Additional requirements when applicant not a graduate.

Sec. 7807-2. In addition to the requirements mentioned in section 7807-1, every applicant for a life certificate, if not a graduate of a recognized institution for the training of teachers of college or normal school rank or liberal arts college on the recognized list, shall have had at least fifty months of successful teaching experience and hold a certificate of graduation from a first grade high school or its equivalent.

When elementary certificate may be granted without further examination.

Sec. 7807-3. A graduate from any normal school, teachers' college, college or university, who has completed a full two years' academic and professional course in such institution and who also possesses a first grade high school diploma or its equivalent shall upon application to the superintendent of public instruction and the payment of a fee of one dollar be granted without further examination a provisional elementary certificate valid for four years in any school district within the state; provided that such institution has been approved by the superintendent of public instruction.

When high school certificate may be granted without further examination.

Sec. 7807-4. A graduate from any normal school, teachers' college, college or university, who has completed a full four years' academic and professional course in such institution and who also holds a certificate of graduation from a first grade high school or its equivalent shall upon application to the superintendent of public instruction, and the payment of a fee of one dollar, be granted without further examination, a provisional high school certificate valid for four years in any school district within the state; provided that such instutition has been approved by the superintendent of public instruction.

When special certificate may be granted.

Sec. 7807-5. A graduate from any normal school, teachers' college, college or university, who has completed a special two year course, with training school experience, in music, drawing, penmanship, manual training, physical culture, domestic science, agriculture, kindergartening, any modern language, or such other studies as are required to be taught by special teachers or supervisors and who also possesses a first grade high school diploma or its equivalent, shall upon application to the superintendent of public instruction and the payment of a fee of one dollar, be granted without further examination a provisional special certificate in such subject or subjects valid for four years in any school district within the state; provided that such institution has been approved by the superintendent of public instruction.

When life certificate shall be issued to holder of provisional certificate.

Sec. 7807-6. It shall be the duty of the state board of school examiners to issue without examination to every holder of a state provisional certificate, a life certificate of

similar kind upon satisfactory evidence that the holder thereof has completed at least twenty-four months of successful teaching, after receiving such provisional certificate.

When state life high school certificate shall be issued to holder of degree.

Sec. 7807-7. The state board of school examiners shall issue without examination, a state life high school certificate to the holder of a degree from any normal school, teachers' college, or university that has been approved by the superintendent of public instruction, upon satisfactory evidence that the holder thereof has completed at least fifty months of successful teaching.

Effect thereof; may be revoked for cause.

Sec. 7808. All certificates issued by such board shall be countersigned by the superintendent of public instruction. They shall supersede the necessity of any and all other examinations of the persons holding them, by any board of examiners, and be valid in any school district in the state, unless revoked by the state board for good cause.

Compensation of examiners.

Sec. 7810. Each member of the board shall receive five dollars for each day he is necessarily engaged in official service, and also his actual and necessary expenses, to be paid out of the state treasury on the order of the state auditor. All books, blanks and stationery required by the board shall be furnished by the secretary of state.

County board; how composed.

Sec. 7811. There shall be a county board of school examiners for each county, consisting of the county superintendent, one district superintendent and one other competent teacher, the latter two to be appointed by the county board of education. The teacher so appointed must have had at least two years' experience as teacher or superintendent, and be a teacher or supervisor in the public schools of the county school district or of an exempted village school district. Should he remove from the county during his term, his office thereby shall be vacated and his successor appointed.

Who eligible as examiner.

Sec. 7812. No examiner shall teach in, be connected with, or financially interested in any school which is not supported wholly or in part by the state, or be employed as a paid instructor in any teachers' institute in his own county; nor shall any person be appointed as, or exercise the office of examiner who is agent of or financially interested in any book publishing or book selling firm, company or business, or in any educational journal or magazine. If an examiner becomes connected with or interested in any school not under state control, or is employed in any such institution in his own county, or becomes an agent of or interested in any book company or journal, or fails to hold the necessary teachers' certificate, or removes from the county, the county board of education upon being apprised of such fact, forthwith shall remove such examiner and appoint his successor.

Term. Revocation of appointment.

Sec. 7813. The term of office of such appointive school examiners shall be two years. The term of one of the examiners shall expire on the thirty-first day of August, each year. The county board of education shall revoke the appointment of any examiner, upon satisfactory proof

that he is inefficient, intemperate, negligent, guilty of immoral conduct, or that he is using his office for personal or private gain.

Vacancies.

Sec. 7814. When a vacancy occurs in the board, whether from expiration of the term of office, refusal to serve, or other cause, the county board of education promptly shall fill it by appointment for the full or unexpired term, and within ten days, report this to the superintendent of public instruction, together with the names of the other members of the board and the date of the expiration of their several terms of office.

Organization of board; duties of officers.

Sec. 7815. Annually, in the month of September, the board of county school examiners shall organize by choosing from its members a president and a vice president. The county superintendent shall be the clerk of the board. The president shall preside at all the meetings of the board. In his absence the vice president shall preside. The clerk shall keep a full and accurate record of the proceedings of the board, showing the number, date and character of each certificate issued, to whom, for what term and what branches of study, with such other statistics relating to the examination and proceedings of the board as the superintendent of public instruction requires, in the form and manner required by him, and make a report of all such items annually on or before the first day of September.

Rules and regulations.

Sec. 7816. The board shall make all needful rules and regulations for the proper discharge of its duties and the conduct of its work, subject to statutory provisions and the approval of the superintendent of public instruction.

Meetings for examinations; notice.

Sec. 7817. Each board shall hold public meetings for the examination of applicants for county teachers' certificates on the first Saturday of September, October, January, March, April, May, and the last Friday of June and August of each year, unless any such day falls on a legal holiday, in which case, it shall be held on the corresponding day of the succeeding week, at such place within the county as, in the opinion of the board, best will accommodate the greatest number of applicants. In no case shall the board hold any private examination or antedate any certificate.

Power of majority to grant certificates.

Sec. 7818. A majority of the board may examine applicants and grant certificates. An applicant for a county teachers' certificate may, if he so elects, take one-half of the subjects in which he is to be examined on one day and the remaining one-half not later than the second regular examination day thereafter. The subjects to be taken the first day by an applicant shall be determined by the board of county examiners. If an applicant electing to take the examination in two days fails to obtain on the first day a grade of seventy-five per cent. or more, in any subject or subjects, such applicant may elect to be re-examined in such subject or subjects on the second day on which such applicant is to be examined. As a condition of an applicant's being admitted to take the examination he shall pay to the board for the use of the county board of education fund a fee

Applicant may elect to take one-half the subjects at each of two regular examinations.

of fifty cents. Applicants taking the examination in two parts shall make on the date when each part is taken an application accompanied with a fee of fifty cents.

Uniform system of examination.

Sec. 7819. The questions for all county teachers' examinations shall be prepared and printed under the direction of the superintendent of public instruction. A sufficient number of lists shall be sent, under seal, to the clerks of such boards of examiners not less than five days before each examination, such seal to be broken at the time of the examination at which they are to be used, in the presence of the applicants and a majority of the members of the examining board.

Disposition of fees.

Sec. 7820. The clerk of the board of county school examiners shall promptly collect all fees from applicants at each examination and pay them into the county treasury monthly. He shall file with the county auditor a written statement of the amount and the number of applicants, male and female, examined during the month. All money thus received, shall be set apart by the auditor to the credit of the county board of education fund.

What and how many certificates may be granted.

Sec. 7821. County boards of school examiners may grant teachers' certificates for one year and three years which shall be valid in all villages, and rural school districts of the county wherein they are issued. Not more than three one-year certificates and not more than one three-year certificate may be issued to any one person. Such three-year certificate may be renewed twice only on proof of successful teaching.

Valid from September following.

Such certificate shall be valid for one year and three years respectively from the first day of September following the day of the examination.

Five and eight year certificates; how renewed.

Sec. 7821-1. All five-year and eight-year certificates now granted shall continue in force until the end of their terms and shall be renewed by the superintendent of public instruction upon proof that the holders thereof have taught successfully until the time of each renewal. Each application for renewal shall be accompanied by a fee of fifty cents and shall be filed in the office of the superintendent of public instruction.

How certificates in force, renewed.

Sec. 7821-2. All two-year and three-year primary, elementary and high school certificates now granted shall continue in force until the end of their terms and may be renewed by the county boards of examiners on proof of five years' successful teaching experience.

Professional training required of applicants for one-year and three-year certificates.

Sec. 7822. Applicants for a one-year or a three-year elementary certificate shall possess an amount of professional training not less than the following:

1. On and after January 1st, 1915, not less than six weeks of class room instruction in a recognized institution for the training of teachers.

2. On and after January 1st, 1916, not less than twelve weeks of class room instruction, in a recognized institution for the training of teachers.

3. On and after January 1st, 1917, not less than

eighteen weeks of class room instruction in a recognized institution for the training of teachers.

4. On and after January 1st, 1918, not less than twenty-four weeks of class room instruction in a recognized institution for the training of teachers.

5. On and after January 1st, 1919, not less than thirty weeks of class room instruction in a recognized institution for the training of teachers.

6. On and after January 1st, 1920, and thereafter not less than one year of class room instruction in a recognized institution for the training of teachers.

Training required after Jan. 1, 1915, and Jan. 1, 1920.

Sec. 7822-1. On and after January first, 1915, all applicants for a one-year or a three-year elementary certificate shall have had at least one year's training in an approved high school or its equivalent, and on and after January first, 1920, all applicants for such certificate shall have had at least two years' training in an approved high school or its equivalent.

Professional training required of applicants for one-year or three-year high school or special certificate.

Sec. 7823. Applicants for a one-year or a three-year high school or special certificate shall possess qualifications in professional training as follows:

1. On and after January 1st, 1915, not less than six weeks of class room instruction in a recognized school for the training of teachers.

2. On and after January 1st, 1916, not less than twelve weeks of class room instruction in a recognized school for the training of teachers.

3. On and after January 1st, 1917, not less than eighteen weeks of class room instruction in a recognized school for the training of teachers.

4. On and after January 1st, 1918, not less than twenty-four weeks of class room instruction in a recognized school for the training of teachers.

5. On and after January 1st, 1919, not less than thirty weeks of class room instruction in a recognized school for the training of teachers.

6. On and after January 1st, 1920, and thereafter not less than one year of class room instruction in a recognized school for the training of teachers.

Training required after Jan. 1, 1915 and after Jan. 1, 1920.

Sec. 7823-1. On and after January first, 1915, all applicants for a one-year of a three-year high school or special certificate shall have had at least two years' training in an approved high school, or its equivalent, and on and after January first, 1920, all applicants for high school and special certificates shall have certificates of graduation from a first grade high school or its equivalent.

Additional test to written examination. When and by whom made.

Sec. 7825. Every applicant for a teacher's certificate shall be required to take in addition to the written examination, to test academic and professional knowledge, a practical test in actual teaching. Such test shall be made at any time during the preceding year or before the applicant receives his certificate, by a member of the board of examiners, a local supervisor, a teacher of method or any other competent person authorized by the county board of school

examiners to make such test. Applicants without previous teaching experience may be given such class room test in the practice department of any recognized summer school. The test shall include three subjects of instruction unless the applicant desires a special certificate in which case three separate tests shall be given in the desired subject. Each applicant shall make a satisfactory showing in both written and practical tests. The superintendent of public instruction shall prescribe the forms for such examination.

Elementary certificate; branches.

Sec. 7830. No person shall be employed or enter upon the performance of his duties as a teacher in any elementary school supported wholly or in part by the state in any village, or rural school district who has not obtained from a board of school examiners having legal jurisdiction a certificate of good moral character; that he or she is qualified to teach orthography, reading, writing, arithmetic, English grammer and composition, geography, history of the United States, physiology, including narcotics, literature and elementary agriculture, and that he or she possess an adequate knowledge of the theory and practice of teaching.

High school certificate; branches.

Sec. 7831. No person shall be employed or enter upon the performance of his duties as a teacher in any recognized high school supported wholly or in part by the state in any village, or rural school district, or act as a superintendent of schools in such district, who has not obtained from a board of examiners having legal jurisdiction a certificate of good moral character; that he or she is qualified to teach six branches or more selected from the following course of study (three of which branches shall be algebra, rhetoric and physics): Literature, general history, algebra, physics, physiology, including narcotics, Latin, German, rhetoric, civil government, geometry, physical geography, botany and chemistry, and high school agriculture; and that he or she possesses an adequate knowledge of the theory and practice of teaching.

Teacher's special certificate.

Sec. 7832. No person shall be employed and enter upon the performance of his duties as a special teacher of music, drawing, painting, penmanship, gymnastics, German, French, Spanish, the commercial and industrial branches, or any one of them, in any elementary or high school supported wholly or in part by the state in any city, village, or rural school district, who has not obtained from a board of examiners having legal jurisdiction a certificate of good moral character that he or she is qualified to teach the special branch or branches of study, and, in addition thereto, possesses an adequate knowledge of the theory and practice of teaching.

Teacher's emergency certificate.

Sec. 7832-1. A "teacher's emergency certificate" which shall be valid for one year in any village or rural school district in the county may be granted by the county board of school examiners with the approval of the superintendent of public instruction to applicants who have had one year's experience teaching in the public schools when-

ever for any reason there is a shortage of teachers in such district.

Teachers having one year normal course may be granted one-year certificates.

Sec. 7832-2. The county board of school examiners may at their discretion grant one-year certificates to teachers who have completed a one year normal course in any high school or normal school which has been approved by the superintendent of public instruction. Such certificates shall be valid in any village or rural school district in the county in which it is granted and may be renewed for one or three years without examination.

Graduates of first grade high school may be granted one-year certificates.

Sec. 7832-3. The county board of school examiners shall grant one-year certificates to graduates of first grade high schools who have completed in addition to the high school a one-year professional course in any high school or normal school which has been approved by the superintendent of public instruction.

Compensation of examiners.

Sec. 7834. Each member of the county board of school examiners, except the clerk thereof shall receive ten dollars for each examination of fifty applicants or less, fourteen dollars for each examination of more than fifty applicants and less than one hundred, eighteen dollars for each examination of one hundred applicants and less than one hundred and fifty, twenty-two dollars for each examination of one hundred and fifty applicants and less than two hundred, and four dollars for each additional fifty applicants, or fraction thereof, to be paid out of the county treasury on the order of the county auditor. Books, blanks and stationery required by the board of examiners shall be furnished by the county board of education.

Expenses of board.

Sec. 7835. Such board may contract for the use of suitable rooms in which to conduct examinations, may procure fuel and light, and employ janitors, to take charge of the rooms and keep them in order. Expenses so incurred, shall be paid out of the county treasury on orders of the county auditor, who shall issue them upon the certificate of the president of the board, countersigned by the clerk.

Annual report of clerk; bond.

Sec. 7836. On or before the first day of September in each year, the clerk of such board shall prepare, and forward to the superintendent of public instruction, a statement of the number of examinations held by the board, the number of applicants examined, the total number of certificates granted, and the number for each term mentioned in this chapter, the amount of fees received and paid to the county treasurer, the amounts received from the county treasury by the members of the board for their services, with such other statistics and information in relation to the duties of the board as such superintendent requires. He shall also deposit with the county auditor a bond, with surety to be approved by the auditor, in the sum of three hundred dollars, that he will pay into the county treasury, monthly, the examination fees received by the board, and make the statistical returns required by this chapter.

No additional compensation as clerk.

Sec. 7837. The county superintendent shall receive no additional compensation for his services as clerk of the county board of school examiners.

City board of school examiners; appointment, term.

Sec. 7838. There shall be a city board of school examiners for each city school district. Such board shall consist of the city superintendent of schools and two other competent teachers serving full time in the day schools of such city to be appointed by the city board of education. The term of office of such examiners shall be two years each, one to be appointed each year; and shall expire on the thirty-first day of August.

Removal and vacancies.

Sec. 7839. The board of education may revoke any appointment upon satisfactory proof that the appointee is inefficient, intemperate, negligent, or guilty of immoral conduct. When a vacancy occurs in the board, whether from expiration of term of office, refusal to serve, or other cause, the board shall fill it by appointment for the full or unexpired term, as the case demands. Within ten days after an appointment, the clerk of the board shall report to the superintendent of public instruction the name of the appointee, and whether the appointment is for a full or an unexpired term.

Certificates for one and three years.

Sec. 7844. Each city board of school examiners may grant teachers' certificates for one year and three years from the first day of September following the examination, which shall be valid within the district wherein they are issued. But certificates granted for one year or three years must be regarded as provisional certificates and shall be renewed only twice each.

Certificates for five and eight years; renewals.

Sec. 7845. All five-year and eight-year certificates now granted shall continue in force until the end of their terms and shall be renewed by the superintendent of public instruction upon proof that the holders thereof have taught successfully until the time of each renewal. Each application for renewal shall be accompanied by a fee of fifty cents and shall be filed in the office of the superintendent of public instruction.

Renewal of two and three year certificates.

Sec. 7846. All two-year and three-year primary, elementary and high school certificates now granted shall continue in force until the end of their terms and may be renewed by the city boards of examiners on proof of five years successful teaching experience.

Certificates may be issued without formal examination.

Sec. 7847. County and city boards of school examiners at their discretion may issue certificates without formal examinations to holders of certificates granted by other city and county boards of school examiners.

Duties of clerk of city board of school examiners.

Sec. 7854. The clerk of the city board of school examiners shall keep a record of its proceedings, and such statistics as the superintendent of public instruction requires, in the form and manner he requires, and report such statistics to him annually, on or before the first day of September.

Disposition of examination fees.

Sec. 7855. Such clerk shall pay the examination fees received by him to the treasurer of the district within ten

days after each meeting, and at the same time file with the board of education a written statement of the amount, also a statement of the number of applicants, male and female, examined, the number of certificates granted, and for what terms.

Manuscripts shall be kept on file 60 days; review.

Sec. 7857. All manuscripts filed as answers to questions shall be kept on file for sixty days by the members of the examining board. If any applicant has cause to and does believe that he has been discriminated against and his manuscripts unfairly graded, he may review his manuscripts with the member or members of the board having them in charge at any time within sixty days after his returns from the examination. If after such inspection and review, he is still of the opinion that the board will not correct the error, if any, and issue his certificate, he may appeal his case to the superintendent of public instruction for final review.

How appeal may be taken; result.

Sec. 7858. Every appeal from the board of examiners shall be in the form of an affidavit setting forth the facts as the applicant believes them and shall be accompanied by a fee of one dollar to cover the expenses incident to such appeal. Upon receipt of such affidavit and fee the superintendent of public instruction shall require the clerk of such board to procure and forward the manuscripts of such applicant, together with a full explanation of the reasons for the board's action. If upon examination of the manuscripts, and record the superintendent finds that the applicant was denied a certificate when one should have been granted him and has been discriminated against by the board, the superintendent shall order forthwith a certificate to be issued of the date of the examination attended by the applicant, and he shall indicate the length of time such certificate shall be valid. If, upon inspection of the manuscript and reviewing the facts submitted, the superintendent of public instruction concludes that no injustice has been done, he shall so notify the applicant and the clerk of the board of examiners.

Repeals.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original sections 7805, 7806, 7807, 7808, 7740, 7810, 7811, 7812, 7813, 7814, 7815, 7816, 7817, 7818, 7819, 7820, 7821, 7822, 7823, 7830, 7831, 7832, 7832-1, 7834, 7835, 7836, 7837, 7838, 7839, 7844, 7845, 7846, 7847, 7854, 7855, 7857, and 7858 and sections 7825, 7740, 7741, 7848 and 7858-1 to 7858-7 inclusive be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 10 G.

[House Bill No. 46.]

AN ACT

To amend sections 6373-1, 6373-2, 6373-3, 6373-4, 6373-5, 6373-6, 6373-7, 6373-8, 6373-9, 6373-10, 6373-11, 6373-12, 6373-13, 6373-14, 6373-15, 6373-16 and 6373-24 of the General Code of Ohio, to further regulate the sale of bonds, stocks and other securities and of real estate not located in Ohio and to prevent fraud in such sales.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6373-1, 6373-2, 6373-3, 6373-4, 6373-5, 6373-6, 6373-7, 6373-8, 6373-9, 6373-10, 6373-11, 6373-12, 6373-13, 6373-14, 6373-15, 6373-16, and 6373-24 of the General Code be so amended as to read as follows:

Providing license for dealers in securities.

Sec. 6373-1. Except as otherwise provided in this act, no dealer shall, within this state, dispose or offer to dispose of any stock, stock certificates, bonds, debentures, collateral trust certificates or other similar instruments (all hereinafter termed "securities") evidencing title to or interest in property, issued or executed by any private or quasi-public corporation, co-partnership or association (except corporations not for profit,) or by any taxing subdivision of any other state, territory, province or foreign government, without first being licensed so to do as hereinafter provided.

What the term "securities" shall not be deemed to include.

Sec. 6373-2. The term "securities," as used in this act, shall not be deemed to include conveyances of real estate; or, where the same have not been judicially declared invalid, and where, at the time of such sale, there is no default in payment of any part of the interest or principal of the same:

1. Mortgage bonds and notes (other than corporate bonds where more than fifty per cent. of the entire issue is not included in a sale to one purchaser) secured by a bona fide mortgage on real estate;

2. Securities of quasi-public corporations, the issuance of which has been authorized by the public service commission of this state;

3. The stock or obligation of any national bank, or of any bank, trust company or building and loan association, organized under the laws of this state and subject to examination and supervision by the proper authorities thereof.

What the term "dealer" shall include.

The term "dealer," as used in this act, shall be deemed to include any person or company, except national banks, disposing, or offering to dispose, of any such security, through agents or otherwise, and any company engaged in the marketing or flotation of its own securities either directly or through agents or underwriters or any stock promotion scheme whatsoever, except:

Exceptions.

(a) An owner, not the issuer of the security, who disposes of his own property, for his own account; when such

disposal is not made in the course of repeated and successive transactions of a similar character by such owner; or a natural person, other than the underwriter of the security, who is a bona fide owner of the security and disposes of his own property for his own account;

(b) One, who in a trust capacity created by any law of the United States or of this or any other state or by judicial authority, lawfully disposes of any property embraced within such trust;

(c) A bank or trust company, organized under the laws of this state and subject to examination and supervision by the proper authority thereof, selling a security for a licensee, other than the issuer or underwriter thereof, at a commission of not more than two per cent., where such bank or trust company is not a regular dealer in securities;

(d) One, not the issuer, who disposes of securities to a licensee under this act or to a company which, as a part of its regular business, deals in or holds such securities;

(e) A pledgee selling, in the ordinary course of business, a security pledged to him as security for debt in good faith and not for the purpose of avoiding the provisions of this act;

(f) The issuer, organized under the laws of this state where the disposal in good faith and not for the purpose of avoiding the provisions of this act, is made for the sole account of the issuer, without any commission and at a total expense of not more than two percentum of the proceeds realized therefrom plus five hundred dollars and where no part of the issue to be disposed of is issued, directly or indirectly, in payment for patents, services, good will, or for property not located in this state; provided that the president and secretary, or the incorporators if done before organization, of the issuer shall, prior to such disposal, file with the "commissioner" a written statement setting forth the existence of all such facts and that such issuer is formed for the purpose of doing business within this state.

Definition of terms.

As used in this act, the term "company" shall include any corporation, co-partnership or association, incorporated or unincorporated, and whenever and wherever organized; "dispose of" shall be construed to mean "sell barter, pledge or assign for a valuable consideration or obtain subscriptions for"; "issuer," the original issuer of the security; and, where the context demands it, words in the present tense include the future tense; in the masculine gender include the feminine and neuter gender; in the singular number include the plural, and in the plural, the singular number; the word "whoever" includes all persons, natural and artificial, principals, agents and employees; "and" may be read "or," and "or" "and."

Filing fee, application for license and information required before issue of license.

Sec. 6373-3. Before such license shall be issued to any dealer, there shall be filed by him with the superintendent of banks, herein termed the "commissioner," together with a filing fee of five dollars, an application for

such license, together with information, in such form as shall be determined by such "commissioner," setting forth:

(a) The names and addresses of the directors and officers if such applicant be a corporation or association and of all partners if it be a partnership, and of the person if the applicant be an individual, together with the names and addresses of all agents of such applicant assisting in the disposal of such securities;

(b) Location of the applicant's principal office and of his principal office in the state, if any;

(c) The general plan and character of the business of said applicant, together with references, which the "commissioner" shall confirm by such investigation as he may deem necessary, establishing the good repute in business of such applicant, directors, officers, partners and agents.

If the applicant be a corporation organized under the laws of any other state, territory or government, or have its principal place of business therein, it shall also file a copy of its articles of incorporation, certified by the proper officer of such state, territory or government, and of its regulations and by-laws; and if it be an unincorporated association, a certified copy of its articles of association, or deed of settlement.

The applicant at the same time shall also file with said "commissioner" a duly executed written instrument, irrevocable, consenting that any action brought against such applicant, arising out of and founded upon the fraudulent disposal of such securities by him or his agents, may be brought in Franklin county, and that, in the event that proper service of process cannot be had upon such applicant in such county, service of process made therein by the sheriff of such county, by sending a copy thereof by registered mail, at least thirty days prior to taking judgment in such case, addressed to such applicant at the place of his principal office named in his application or such other place as the applicant may thereafter designate in writing filed with the "commissioner," shall have the same effect as if personally made upon the applicant according to the laws of this state.

Publication of notice of an application for registration.

Sec. 6373-4. Notice of all applications for registration as a licensed dealer in such securities shall be published in a daily newspaper of general circulation in the city where the applicant's principal place of business in the state is located, or in the city of Columbus, if the applicant has no such place of business in the state, and no such application shall be acted on by the "commissioner" until the expiration of one week from the date of such publication, but shall be acted upon within twenty days after proof of such application has been filed with him. If the "commissioner" be satisfied of the good repute in business of such applicant and named agents, he shall, upon the payment of an annual fee of fifty dollars, and an additional fee of five dollars for each agent named in the application, register the applicant as a licensed dealer in such securities,

and issue to him a license, containing the name of the applicant and all such agents, renewable annually upon payment of such annual fee, unless revoked as herein provided. The expense of all publications provided for in this act shall be paid by the applicant for license. Pending a final disposition of such application the "commissioner" may grant temporary permission to such applicant to transact business as a dealer under this act. All such renewals shall be made as of the first day of January in each calendar year upon proper application therefor, filed not less than twenty nor more than sixty days next preceding such date.

When license shall be taken out; fee.

Sec. 6373-5. Such license shall be taken out at the beginning of each calendar year, but it may be issued at any time for the remainder of such year, and in such case the annual fee shall be reduced four dollars for each expired month but in no case shall it be less than ten dollars. Upon the payment of a fee of five dollars for each specified agent not named in such license the same may at any time be amended or supplemented to include such agent. Upon the written request of such applicant, accompanied by a fee of two dollars, such license shall be revoked as to any agent or agents of such applicant, and an amended license shall thereupon be issued for such applicant and his remaining agents; and thereafter the applicant shall not be bound by the acts of the agent whose license has been revoked. Notice of such amendments shall also be published as aforesaid.

Revocation and amendment of license; fee.

When and for what reasons commissioner may revoke license or refuse to renew the same.

Sec. 6373-6. Such "commissioner" may at any time revoke any such license, or refuse to renew the same, upon ascertaining that the licensee:

(a) Is of bad business repute;

(b) Has violated any provision of this act; or

(c) Has engaged, or is about to engage, under favor of such license, in illegitimate business or in fraudulent transactions.

No dealer whose license has been revoked shall be relicensed within six months from the date of such revocation.

The "commissioner" shall at once lay before the prosecuting attorney of the proper county any evidence which shall come to his knowledge of criminality under this act.

Notice of revocation or refusal of license.

Sec. 6373-7. At least five days before revoking or refusing to grant or renew a license, the "commissioner" shall send by registered mail to the licensee, at the address named in the application written notice of his intention so to do, specifying therein the reasons for such revocation or refusal.

Petition against commissioner in case of refusal or revocation; answer, judgment.

Sec. 6373-8. Any one whose license shall be refused or revoked, or to whom a renewal of license may be denied, may file, within thirty days thereafter, in the court of common pleas of Franklin county, a petition against the "commissioner," officially, as defendant, alleging therein, in brief detail, the plaintiff's qualifications to be licensed and praying for a reversal of the official action complained

of. Upon service of summons upon said defendant, returnable within three days from its date, but otherwise made as in civil actions, he shall, within one week from such return day, file an answer, in which he shall allege by way of defense the grounds previously assigned in his notice to such applicant or licensee, and such other grounds as shall, in the meantime, accrue or be discovered. All allegations of the answer shall be deemed to stand denied without further pleading and, upon application of either party, the cause shall be advanced and heard without delay. Merely technical irregularities in the procedure of such "commissioner" shall be disregarded and the burden shall rest upon the plaintiff to disprove the grounds assigned and specified in the official action complained of. The court's decision shall consult only the rights of the plaintiff and the protection of the public and the "commissioner" shall prosecute no proceedings to obtain a reversal, modification or vacation of a judgment rendered in favor of the plaintiff and in such event, shall forthwith issue the license applied for. A judgment sustaining the refusal of the "commissioner" to grant or renew a license shall not bar, after thirty days, a new application by plaintiff for a license, nor shall a judgment in favor of the plaintiff prevent such "commissioner" from thereafter revoking such license for any proper cause which may thereafter accrue or be discovered.

Information required to be filed before disposal of securities.

Sec. 6373-9. Before such licensee shall dispose of any of such securities, within this state, he shall file with such "commissioner," in such form as shall be determined by him, the following information concerning such securities: If issued by any company,

(a) The name, location of principal office of the issuer and the names of its officers and directors, or if a co-partnership, the partners;

(b) A statement of the issuer, showing, in general detail, the assets and liabilities, and capital stock of the issuer, as of a date as late as the close of its last fiscal year, and of its gross income, expenses and fixed charges, for one year last prior thereto, or for such time as the issuer has been in business, if less than one year;

(c) A pertinent description of such securities, and the purpose of said issue, and

(d) Unless the foregoing information be executed under the provisions of the following section, the approximate price at which the licensee purposes to dispose of such securities.

If the securities be of a taxing subdivision of any other state, territory, province or foreign government, and are not an obligation of the entire taxing subdivision and payable out of the proceeds of a general tax, there shall be filed the information required by paragraphs (c) and (d) of this section and, in addition thereto, a statement of the licensee, setting forth the nature of the obligation of such securities, how payment of the same is secured and that, to the best

of his knowledge, there is no default in the payment of any part of the interest or principal of such securities and are no adjudications adversely affecting, or pending suits questioning the validity of the same.

When information not required to be filed.

Sec. 6373-10. The information required in the preceding section need not be filed:

(a) Unless required by the "commissioner," if the same has been filed by any other licensee; or

(b) If actual current sales of the securities, at prices quoted, shall have been, from time to time, for not less than six months next preceding such disposal, published in the regular market reports of the news columns of a daily newspaper of general circulation in this state; or

(c) Where there is a disposal of securities, the price paid or consideration rendered for which, in a single transaction, by one disposee, shall amount to five thousand dollars or more; or

(d) Where the securities disposed of are those of manufacturing or transportation companies, or of common carriers or other public utilities, issued and outstanding in the hands of bona fide purchasers for value, prior to March 1st, 1914, where such companies were, on said date, and shall be, at the time of sale, actual going concerns, either directly or through lessees, and where there shall be at the time of sale no default in payment of any part of the interest or principal of such securities; or

(e) Where the information required, other than the approximate selling price, is contained in any standard manual of information, approved by such "commissioner;" or

(f) Where the disposal is made for a commission of less than one percentum of the par value thereof, by a licensee who is a member of a regularly organized and recognized stock exchange and who has an established and lawfully conducted place of business in this state, regularly open for public patronage as such.

Filing of prospectus, circular and advertisement relating to sale.

Sec. 6373-11. Every dealer, before or at the time of circulating the same, shall furnish to the "commissioner" one copy of each prospectus, circular or other document of like nature and of each advertisement, circulated by him in connection with the sale of any securities concerning which information is required to be filed under the provisions of sections 6373-9 and 6373-10 of the General Code.

Contract of subscription or disposal; contents.

Sec. 6373-12. No person or company shall, for the purpose of organizing or promoting any insurance company, or of assisting in the flotation of its stock after organization, dispose or offer to dispose, within this state, of any such stock, unless the contract of subscription or disposal shall be in writing, and contain a provision substantially in the following language:

"No sum shall be used for commission, promotion and organization expenses on account of any share of stock in this company in excess of.....per cent. of the amount actually paid upon separate subscriptions, or, in

lieu thereof there may be inserted, '$.....per share from every fully paid subscription,' and the remainder of such payments shall be invested as authorized by the law governing such company and held by the organizers (or trustees as the case may be) and the directors and officers of such company after organization, as bailees for the subscriber, to be used only in the conduct of the business of such company after having been licensed and authorized therefor by proper authority."

The amount of such commission, promotion and organization expenses shall in no case exceed fifteen per cent. of the amount actually received upon the subscription.

Deposit of funds and securities.

Funds and securities held by such organizers, trustees, directors or officers, as bailees, shall be deposited with a bank or trust company of this state or invested as provided in sections ninety-five hundred and eighteen and ninety-five hundred and nineteen of the General Code until such company has been licensed as aforesaid.

Liability of one who counsels or advises the purchase without disclosing agency.

Sec. 6373-13. Whoever, with intent to secure financial gain to himself, advises and procures any person to purchase any security and receive for such advice or services any commission or reward from the owner or salesman thereof, without disclosing to the purchaser the fact of his agency or his interest in such sale shall be liable to such purchaser for the amount of his damage thereby, upon tender of such security to, and suit brought against, such adviser, within one year subsequent to such purchase.

Additional information required of issuer or underwriter before certificate issued.

Sec. 6373-14. For the purpose of organizing or promoting any company, or assisting in the flotation of the securities of any company after organization, no issuer or underwriter of such securities and no person or company for or on behalf of such issuer or underwriter shall, within this state, dispose or attempt to dispose of any such security until such commissioner shall issue his certificate as provided in section 6373-16 of the General Code which shall not be done until, together with a filing fee of five dollars, there be filed with the commissioner the application of such issuer or underwriter for the certificate provided for in section 6373-16, General Code, and, in addition to the other information hereinbefore required by paragraphs (a), (b), (c) and (d) of section 6373-9 of the General Code, the following:

(a) A certified copy of the articles of incorporation or association of the issuer, its regulations and by-laws;

(b) Certified copies of all minutes of stockholders and directors relative to the issue of such securities;

(c) A sworn statement made by the president and secretary of the issuer, showing in detail the items of cash, property, services, patents, good will and any other consideration for which such securities have been or are to be issued in payment;

(d) Like certified copies of all contracts or agreements between the issuer and any underwriter of such securities, and, if disposed of by the issuer, all contracts and agree-

ments relative to the sale and disposition thereof; and any such contracts or agreements made subsequent thereto shall be filed immediately upon the execution thereof;

(e) All contracts made between such underwriter and any salesman, agent or broker.

Securities to which section does not apply.

This section shall not apply where the issuance of the securities has been approved by the public service commission or like body of any state of the United States or any province of the Dominion of Canada, or where the sale is made by or on behalf of an underwriter who, in good faith and not for the purpose of avoiding the provisions of this act, purchases the securities so afterward sold by him and pays therefor, in cash or its equivalent, before attempting to sell the same, not less than nintey per centum of the price at which such securities are thereafter sold by him; nor where the securities are those of a common carrier or of a company organized under the laws of this state and engaged principally in the business of manufacturing, transportation, coal-mining or quarrying, and the whole or a part of the property upon which such securities are predicated is located within this state; nor of a real estate or building company all of whose property, upon which such securities are predicated, is located in this state; nor in the case of an issuer excepted under paragraph (f) of section 6373-2, General Code; nor in cases where the filing of information is dispensed with under the provisions of paragraphs (b), (d), (e), or (f) of section 6373-10, General Code.

The information required by paragraphs (d) and (e) of this section shall be for the information of the commissioner only, and shall not be disclosed by him except when lawfully required in a judicial proceeding.

Licensed dealers only shall deal in real estate not located in Ohio.

Sec. 6373-15. No person or company, unless licensed in the manner and under the conditions applicable thereto hereinbefore provided for dealers, shall, within this state deal in real estate not located in Ohio of which he is not the actual and bona fide owner and unless the "commissioner" shall issue his certificate as provided in the following section, and prior to such issuance there shall, together with a filing fee of five dollars, be filed with the "commissioner" an application for such certificate, and a written statement of the applicant containing a pertinent description of the real estate the sale of all or a part of which is sought to be made, the nature and source of the title of the owner thereto, and the amount or value and the nature of the consideration paid or allowed by him therefor, it shall, within this state, be unlawful:

(a) For any corporation, association or co-partnership doing business under any name other than the name or names of such person or of all the members of such association or co-partnership to sell any real estate not located in Ohio;

(b) For any person or company engaged in the business of dealing in real estate to sell or offer for sale any such real estate, the title to which is or is represented to the

purchaser to be in the name of a corporation or unincorporated company, or of a person doing business under a fictitious name.

Transactions to which section does not apply.

This section shall apply where the title to such property is held in the name of a trustee for any corporation or for any such described person or company; but it shall not be deemed to prohibit the disposal by an owner of his own property, in good faith and not for the purpose of avoiding the provisions of this act, where the transaction is not one of repeated transactions of a similar nature, performed as a part of the business of dealing in real estate; nor shall it be deemed to prohibit a railroad company having an immigration bureau or department from advertising either directly or through its accredited representatives, the fact that there are along its route lands for colonization or sale; provided that such advertising be not of specific tracts of real estate, and not for the purpose of avoiding the provisions of this act.

Examination of securities and property by commissioner and issue of certificate; fee.

Sec. 6373-16. Said "commissioner" shall have power to make such examination of the securities or of the property named in the next preceding sections as he may deem advisable; and if it shall appear that the law has been complied with and that the business of the applicant is not fraudulently conducted, and that the proposed disposal of such securities or other property is not on grossly unfair terms, and in the case of securities that the issuer is solvent, upon the payment of a fee of ten dollars, the commissioner shall issue his certificate to that effect, authorizing such disposal. But if it shall not affirmatively so appear he shall so notify the applicant, in writing, and of his refusal to issue such certificate. Such certificate shall be issued or refused within a reasonable time after the filing of the application therefor, which shall be within not more than thirty days from and after the applicant has fully complied with all requirements of this act precedent thereto. Such applicant shall have the same right of review of such finding as is given to a dealer by section 6373-8. The fee provided for in this section shall not be required of an applicant who is licensed as a dealer.

Appointment of assistant commissioner and clerks. Depo it of fees.

Sec. 6373-24. The superintendent of banks, as "commissioner" under this act, is hereby authorized to appoint an assistant commissioner and such clerks as are actually necessary to carry out the provisions of this act and to fix their salaries; such appointments and salaries to be subject to the approval of the governor. Subject to the supervision of such "commissioner," the assistant commissioner may perform all the duties imposed upon, and have all the powers granted to, such "commissioner" under the provisions of this act. All fees received hereunder by the "commissioner" shall be deposited by him with the treasurer of state upon the warrant of the auditor of state.

SECTION 2. That original sections 6373-1, 6373-2, 6373-3, 6373-4, 6373-5, 6373-6, 6373-7, 6373-8, 6373-9,

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

6373-10, 6373-11, 6373-12, 6373-13, 6373-14, 6373-15, 6373-16 and 6373-24 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 11 G.

[Substitute Senate Bill No. 6.]

AN ACT

To amend sections 5175-29c, 5175-29d, 5175-29e and 5175-29f of the General Code and to enact supplemental sections 5175-29g to 5175-29r inclusive and 5080-1, providing safeguards in connection with the initiative, supplementary and referendum petitions and providing inspectors for the count.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5175-29c, 5175-29d, 5175-29e and 5175-29f of the General Code be amended and section 5175-29 and section 5080 be further supplemented by sections 5175-29g to 5175-29r inclusive and section 5080-1, to read as follows:

A copy of law or amendment proposed by initiative petition or law, section or item sought to be referred to be filed with the secretary of state.

Sec. 5175-29c. Whoever seeks to propose a law or constitutional amendment by initiative petition or to file a referendum petition against any law, section, or item in any law, may file a duly verified copy of the proposed law, constitutional amendment or the law, section, or item to be referred, together with a synopsis of the same with the secretary of state before circulating such petition. If such copy is not filed with the secretary of state, the persons primarily directing the circulation of such initiative or referendum petition shall within ten days after commencing the circulation of such petition, file with the secretary of state a written notice setting forth the date when such circulation was commenced, and embodying the title and text of such law, section, item or constitutional amendment, and signed by one of the persons promoting the circulation of said petition.

Secretary of state shall designate size of paper and type and arrangement of petitions.

Sec. 5175-29d. The secretary of state shall upon application forthwith designate a convenient size for the sheets of paper and size of type to be used in printing initiative, supplementary and referendum petitions provided for in article II, section 1a and section 1g of the constitution, and the form and general order of arrangement of such petitions. Such designation shall be uniform with respect to all petitions to be voted on at the same election.

A proposed law or constitutional amendment may be submitted to legislative reference department.

Sec. 5175-29e. Ten or more qualified electors of the state may, by a written communication, submit any proposed law or constitutional amendment to the Legislative Reference Department for examination. If such department finds such law or constitutional amendment correct as to form, it shall so certify; and such certification shall be printed immediately, under the text of the law or constitutional amendment.

Attorney General shall certify whether synopsis is a truthful statement of proposed law or amendment.

Whoever proposes to file an initiative or referendum petition may submit to the attorney general a fair and impartial synopsis of such proposed law or amendment and if such synopsis is a truthful statement of the contents and purpose of such proposed law or amendment he shall so certify. Such synopsis together with the attorney general's certification may be printed in capital letters immediately following the notice provided for in section 5175-29f. The text of the proposed law or amendment shall be printed in full at the end of each part of the petition.

Words on part petition which shall be printed in red.

Sec. 5175-29f. At the top of each part of the petition the following words shall be printed in red:

NOTICE.

Whoever knowingly signs this petition more than once, signs a name other than his own or signs when not a legal voter is liable to prosecution.

Statement preceding text which shall be made by solicitor.

Sec. 5175-29g. Immediately preceding the text of such proposed law or amendment, the following statement, which shall include the signature and address of the solicitor, must appear, properly filled out.

In consideration for my services in soliciting signatures to this petition I have received or expect to receive from .....of.....

.....

(Insert whatever of value has been received, or is expected to be received.)

Signed.....

Solicitor.

Address.....

Part petition should not contain names from more than one county.

Sec. 5175-29h. No part of a petition as far as possible, shall contain the names of electors from more than one county, and all the parts of the petition from each county from which there are signatures shall be so arranged and filed together, that the quota of each county may be easily separated from that of other counties.

Transmittal of part petitions to deputy state supervisors of each county.

When any supplementary or referendum petition is filed with the secretary of state, the latter shall at once transmit to the board of deputy state supervisors of elections of each county, from which there appear names of electors on any part petition filed with him, the part petitions containing the signatures of electors from that county.

Part petitions shall be open to public inspection.

Sec. 5175-29i. As soon as the board of deputy state supervisors of elections of a county receives the parts of the petition transmitted by the secretary of state, it shall keep

the same open to public inspection until the time it is required to return the same to the secretary of state.

In any county containing a city or cities wherein a general registration of voters is required by law, the board of deputy state supervisors of elections of such county shall carefully compare the names of the electors who signed the parts of the petition and who reside in such city, or cities, with the registration lists. If any names appear on the parts of the petition which are not upon the registration lists, such board shall, unless satisfied that the petitioner in question is an elector of said county and qualified to sign the petition, make a note thereof in its report to the secretary of state. It shall also scrutinize the parts of the petition for repetition of signatures, illegal signatures and for the omission of any of the formal or other requisites set forth in the constitution.

Comparison of signatures with registration lists.

Within fifteen days after the date when the parts of the petition were transmitted to it by the secretary of state, but not less than fifty days before the election, said board shall return said parts of the petition to the secretary of state, with a detailed report as to its findings; which report shall briefly, but particularly, set forth all complaints made to it with respect to any parts of the petition, and with respect to any signature or formality pertaining to any signature, together with the names and addresses of the complainants.

When part petitions shall be returned to secretary of state.

The petition and signatures upon the parts of the petition, properly verified, shall be presumed to be in all respects sufficient, unless not later than forty days before the election, it shall be otherwise proved and in such event ten additional days shall be allowed for the filing of additional signatures to such petition.

When additional signatures shall be filed.

Sec. 5175-29j. Not later than forty days before the election, the secretary of state shall make his decision as to the sufficiency of the petition, giving the reasons for or against its sufficiency. Prior to the decision the secretary of state shall grant a hearing on the petition and give due public notice of the date thereof, which shall not be later than forty-five days before the election.

When decision as to sufficiency shall be made; notice, hearing.

Sec. 5175-29k. The petitioners may designate, in any initiative, supplementary or referendum petition, a committee of not less than three nor more than five of their number, who may represent them in all matters connected with such petitions. Notice of all matters or proceedings pertaining to said petitions may be served on said committee or any of them, either personally or by registered mail, or by leaving the same at the usual place of residence of each of them.

Designation of committee by petitioners to represent them.

Sec. 5175-29l. The secretary of state shall have the power to subpoena and administer oaths to witnesses, who may be ordered to bring with them books and papers or any other thing material to the inquiry. The sheriff of any county of the state shall serve all subpoenas in the same manner as is now required by law in criminal cases.

Power to subpoena and administer oaths to witnesses; contempt, fees.

The failure of witnesses subpoenaed to attend and testify shall, upon certification of the fact by said secretary of state to the common pleas court of the county wherein subpoenas are served, be acted upon by said court as upon a proceeding in contempt, and said court shall be empowered to make such orders as it is empowered to make in cases of contempt of its own authority.

In any such inquiry before the secretary of state the sheriff and the witnesses shall be allowed like fees and mileage as are allowed sheriffs and witnesses in the common pleas court in criminal cases. The secretary of state shall certify the amount of fees and mileage due such sheriffs and witnesses to the auditor of state, who shall draw his warrants therefor on the treasurer of state, who shall pay such warrants from the proper fund.

Sworn statement of circulator of petitions filed with secretary of state.

Sec. 5175-29m. (1) The circulator, or his agent, of any initiative, supplementary or referendum petition, or a petition for additional signatures, for the submission of a constitutional amendment, proposed law, law, section or item of any law at a state election, shall, within twenty days after such petitions are filed with the secretary of state, file with such secretary a sworn itemized statement showing in detail:

(a) All money or things of value paid, given or promised for circulating such petition.

(b) All appointments, promotions or increases in salary in positions not provided for by the constitution or laws of Ohio or any municipality therein, which were given or promised, or to obtain which assistance was given or promised as a consideration for work done in circulating petitions.

(c) Full names and addresses of all persons to whom such payments or promises were made.

(d) Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions.

(e) Time spent and salaries earned while soliciting signatures to petitions by persons who were regular salaried employees of some person and whom said employer authorized to solicit as a part of their regular duties.

(2) Such statement shall be open to public inspection for a period of one year.

(3) The statement provided for by this section shall not be required from persons who take no other part in circulating a petition than making affidavits to parts of the petition and soliciting signatures to the same.

What constitutes corrupt practice relative to I. and R. petitions.

Sec. 5175-29n. Whoever directly or indirectly:

(1) Wilfully misrepresents the contents of any initiative, supplementary or referendum petition; or

(2) Pays or offers to pay any elector anything of value for signing an initiative, supplementary or referendum petition; or

(3) Promises to help another to obtain appointment to any office provided for by the constitution or laws of

Ohio or any municipality therein as a consideration for obtaining or preventing signatures to an initiative, supplementary or referendum petition; or

(4) Obtains or prevents signatures to any initiative, supplementary or referendum petition as a consideration for the assistance or promise of assistance, of another person in securing an appointment to any position provided for by the constitution or laws of Ohio or any municipality therein; or

(5) Alters or adds to or erases any signatures or names, on the parts of a petition after such parts have been filed with the secretary of state; or

(6) Fails to fill out truthfully the blank statement provided in section 5175-29g; or

(7) Fails to file the sworn itemized statement required in section 5175-29m; or

(8) Being a member or an employee of a board of deputy state supervisors of elections wilfully reports any genuine signature on a part of a petition as fraudulent or knowingly refuses or neglects to report any fraudulent signatures is guilty of corrupt practice.

Penalties for violations relative to I. and R. petitions.

Sec. 5175-29o. (1) Whoever knowingly signs an initiative, supplementary or referendum petition, more than once, signs a name other than his own, or signs when not a legal voter, shall, upon conviction, be fined not more than one hundred dollars.

(2) Whoever accepts anything of value for signing an initiative, supplementary or referendum petition shall upon conviction be fined not to exceed twenty-five dollars.

(3) Whoever sells, purchases, steals, attempts to steal, or wilfully destroys or mutilates an initiative, supplementary or referendum petition or a part thereof which is being or has been lawfully circulated shall upon conviction be fined not to exceed five hundred dollars or be imprisoned in the penitentiary not more than five years. The words "sells and purchases" shall not be construed to apply to persons paying or receiving pay for soliciting signatures to, or circulating a petition, or parts of a petition.

(4) Whoever directly or indirectly, by intimidation or threats influences or seeks to influence any person to sign or abstain from signing or to circulate or abstain from circulating an initiative, supplementary or referendum petition shall, upon conviction, be fined not more than one hundred dollars.

Penalty.

Whoever fails to file the notice required in section 5175-29c shall, upon conviction, be fined not more than one hundred dollars.

Punishment.

Sec. 5175-29p. Corrupt practices as defined in this act shall be punished as provided in section 13323-1 of the General Code.

Excerpts and forms furnished by secretary of state.

Sec. 5175-29q. Excerpts of this act applying to circulators, and forms for the statements required to be filed by this act, shall be prepared by the secretary of state and furnished to prospective circulators free upon application.

Petitions to which certain sections apply.

Sec. 5175-29r. Section 5175-29c to section 5175-29q inclusive shall apply only to petitions and elections upon petitions upon which it is necessary to file signatures from each of one-half of the counties of the state.

Committee advocating or opposing measure may nominate inspectors at election.

Sec. 5080-1. Not later than forty days prior to an election at which questions are to be submitted to a vote of the people, any committee which in good faith advocates or opposes a measure may file a petition with the board of deputy state supervisors of elections of any county asking that such petitioners be recognized as the committee entitled to nominate inspectors to the count at such election, as herein provided. If more than one committee alleging themselves to advocate or oppose the same measure file such petitions, the board of deputy state supervisors shall decide and announce by registered mail to each committee not later than thirty days immediately preceding the election, which committee is entitled to nominate such inspectors. Such decision shall not be final but any aggrieved party may institute mandamus proceedings in the common pleas court of the county wherein such deputy state supervisors have jurisdiction to compel such board of deputy state supervisors to certify the nominees of such aggrieved party to the judges of elections as herein provided.

Where and when names of nominees for inspectors may be filed; number of inspectors.

Any such duly recognized committee may nominate an elector as an inspector to the count in each precinct. Such committee shall file the names of the persons nominated with the deputy state supervisors of elections of the county in which the inspectors reside at least five days before the election. The committees may also file the names of the nominees for inspectors for each precinct with the chairman of the judges of election of that precinct. The deputy state supervisors of election shall certify the nominees for each precinct to the judges of elections of the respective precinct. If the deputy state supervisors of election have not certified nominations as herein provided forty-eight hours immediately preceding the election, the judges of election of each precinct shall appoint such nominees without such certification. In no case shall more than six such inspectors be appointed for any one election in any one precinct. If more than three questions are to be voted on, the committees which have nominated inspectors as herein provided, may agree upon not to exceed six inspectors and the judges of election shall appoint such inspectors. If such committees fail to agree the judges of election shall appoint six inspectors from nominees so certified in such manner that each side of the several questions shall be represented.

SECTION 2. That original sections 5175-29c, 5175-29d, 5175-29e and 5175-29f of the General Code are hereby repealed.

Emergency act.

SECTION 3. This act is hereby declared to be an emergency act and its enactment is necessary for the immediate preservation of the public safety and peace. The necessity

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

therefore lies in the fact that the public safety, peace and welfare require that further safeguards be provided immediately for initiative, supplementary and referendum petitions.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred February 3rd, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 12 G.

[Senate Bill No. 9.]

AN ACT

To amend sections 7658, 7747, 7748 and 7749 of the General Code and to supplement section 7655 by the enactment of additional sections 7655-1, 7655-2, 7655-3, 7655-4, 7655-5, 7655-6, 7655-7 and 7655-8 of the General Code relating to the standardization of schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7658, 7747, 7748 and 7749 of the General Code be amended and section 7655 be supplemented by additional sections 7655-1, 7655-2, 7655-3 7655-4, 7655-5, 7655-6, 7655-7 and 7655-8 to read as follows:

Admission to professional school, college or university.

Sec. 7658. A holder of a diploma from a high school of the first grade may be admitted without examination to any college of law, medicine, dentistry, or pharmacy in this state, when the holder thereof has completed such courses in science and language as are prescribed by the legally constituted authorities regulating the entrance requirements of such college; except such institutions privately endowed which may require a higher standard for entrance examinations than herein is provided. After September 1, 1915, the holder of a diploma from a first grade high school shall be entitled to admission without examination to the academic department of any college or university which is supported wholly or in part by the state.

Tuition of pupils eligible to high school shall be paid by district board.

Sec. 7747. The tuition of pupils who are eligible for admission to high school and who reside in rural districts, in which no high school is maintained, shall be paid by the board of education of the school district in which they have legal school residence, such tuition to be computed by the month. An attendance any part of the month shall create a liability for the entire month. No more shall be charged per capita than the amount ascertained by dividing the total expenses of conducting the high school of the district attended, exclusive of permanent improvements and repair, by the average monthly enrollment in the high school of the

district. The district superintendent shall certify to the county superintendent each year the names of all pupils in his supervision district who have completed the elementary school work, and are eligible for admission to high school.

Certificate to pupils eligible to high school.

The county superintendent shall thereupon issue to each pupil so certified a certificate of promotion which shall entitle the holder to admission to any high school. Such certificates shall be furnished by the superintendent of public instruction.

Tuition of graduates of third grade high school.

Sec. 7748. A board of education providing a third grade high school as defined by law shall be required to pay the tuition of graduates from such school residing in the district at any first grade high school for two years, or at a second grade high school for one year. Should pupils residing in the district prefer not to attend such third grade high school the board of education of such district shall be required to pay the tuition of such pupils at any first grade high school for four years, or at any second grade high school for three years and a first grade high school for one year. Such a board providing a second grade high school as defined by law shall pay the tuition of graduates residing in the district at any first grade high school for one year;

Exception.

except that, a board maintaining a second or third grade high school is not required to pay such tuition when the maximum levy permitted by law for such district has been reached and all the funds so raised are necessary for the support of the schools of such district. No board of education is required to pay the tuition of any pupil for more than four school years; except that it must pay the tuition of all successful applicants, who have complied with the further

Provision for transportation of pupils.

provisions hereof, residing more than four miles by the most direct route of public travel, from the high school provided by the board, when such applicants attend a nearer high school, or in lieu of paying such tuition the board of education maintaining a high school may pay for the transportation of the pupils living more than four miles from the said high school, maintained by the said board of education to said high school. Where more than one high school is maintained, by agreement of the board and parent or guardian, pupils may attend either and their transportation

Effect of removal from village or city district.

shall be so paid. A pupil living in a village or city district who has completed the elementary school course and whose legal residence has been transferred to a rural district in this state before he begins or completes a high school course, shall be entitled to all the rights and privileges of a resident pupil of such district.

Transportation to high school.

Sec. 7749. When the elementary schools of any rural school district in which a high school is maintained are centralized and transportation of pupils is provided, all pupils resident of the rural school district who have completed the elementary school work shall be entitled to transportation to the high school of such rural district, and the board of education thereof shall be exempt from the payment of the tuition of such pupils in any other high

school for such a portion of four years as the course of study in the high school maintained by the board of education includes.

What constitutes elementary rural school of second grade.

Sec. 7655-1. Every one room school in any rural school district where the school house and outbuildings are kept in proper condition and repair, buildings and yard clean, and separate screened privies are maintained for each sex, shall be considered a rural elementary school of the second grade.

What constitutes rural elementary school of first grade.

Sec. 7655-2. Each one room school in any rural school district which shall fulfill the requirements of this section shall be considered a rural elementary school of the first grade. Such requirements are as follows:

(a) Clean buildings and yard.

(b) Building in good repair.

(c) Separate screened privies for each sex or inside toilets.

(d) Maps of Ohio and United States.

(e) Library of not less than 50 volumes.

(f) 100 square feet of slate or composition blackboard. The lower margin of not less than twelve lineal feet of which board, shall be within two feet of the floor.

(g) A system of heating with ventilation—minimum a jacketed stove.

(h) Buildings hereafter constructed to have in connection with them not less than one acre of land for organized play.

(i) Teacher with at least a three-year certificate.

(j) Agricultural apparatus to a value of at least fifteen dollars.

What constitutes consolidated elementary school of second grade.

Sec. 7655-3. Each consolidated school in any village or rural school district which shall fulfill the requirements of this section shall be considered a consolidated elementary school of the second grade. Such requirements are as follows:

(a) Clean building and yard,

(b) Building in good repair.

(c) Separate screened privies for each sex or inside toilets.

(d) Library of not less than 100 volumes.

(e) 100 square feet of slate or composition blackboard. The lower margin of not less than twelve lineal feet of which board, shall be within two feet of the floor.

(f) A system of heating with ventilation—minimum a jacketed stove.

(g) Buildings hereafter constructed to have at least two acres of land for organized play and agricultural experiment.

(h) At least two rooms and two teachers on full time one of whom must have at least a three-year certificate.

(i) One teacher to be employed for ten months each year giving part of his or her time during the school year to the teaching of agriculture or domestic science or both

and during part of vacation supervise agricultural work of boys and domestic art work of the girls.

(j) Agricultural apparatus to the value of at least twenty-five dollars.

(k) A case of not less than six maps including a map of Ohio.

What constitutes consolidated elementary school of first grade.

Sec. 7655-4. Each consolidated school in any village or rural school district which shall fulfill the requirements of this section shall be considered a consolidated elementary school of the first grade. Such requirements are as follows:

(a) Clean building and yard.

(b) Building in good repair.

(c) Separate screened privies for each sex, or inside toilets.

(d) A case of not less than six maps including a map of Ohio.

(e) Library of not less than 150 volumes.

(f) 100 square feet of slate or composition blackboard. The lower margin of not less than twelve lineal feet of which board, shall be within two feet of the floor.

(f) A system of heating with ventilation—minimum a jacketed stove.

(h) Buildings hereafter constructed to have at least three acres of land in connection with each school one for agriculture and school garden purposes.

(i) Three rooms and three teachers or more on full time, one teacher to have at least a three-year certificate.

(j) A course in domestic science.

(k) Two teachers to be employed for ten months each, one teaching agriculture during the school term and to supervise agriculture during part of the vacation. The other to teach domestic science during the school term and to supervise domestic science instruction during part of the vacation.

(1) Agricultural and domestic science apparatus to to the value of at least one hundred dollars.

Additional state aid for schools of grade.

Sec. 7655-5. Each school district in which such schools are located, shall receive from the state treasury the sum of twenty-five dollars per annum for each one room rural school of the first grade; fifty dollars per annum for each consolidated school of the second grade, and one hundred dollars per annum for each consolidated school of the first grade. Such sums shall be in addition to the regular apportionment of the common school funds and the amounts paid by the state as aid to weak districts. Should the appropriation for any year be insufficient to meet these payments the amount shall be pro rated between the various school districts.

How state aid obtained for schools of grade.

Sec. 7655-6. Any school district which desires to receive state aid as provided in section 7655-5 shall make application therefor to the county superintendent on blanks furnished by the superintendent of public instruction specifying the number and kinds of schools in such district entitled to such aid. If the county superintendent upon

actual inspection shall approve such application he shall endorse the same and forward it to the superintendent of public instruction for final approval. When such application has been approved by the superintendent of public instruction, the state auditor shall issue his warrant on the state treasurer in favor of the treasurer of the school district for the amount so approved.

Admission to high school from rural school of first grade.

Sec. 7655-7. After September first, 1915, the holder of a certificate of graduation from any one room rural school of the first grade or of any consolidated rural school which has been recognized shall be entitled to admission to any high school without examination. Graduates of any elementary school shall be admitted to any high school without examination on the certificate of the district superintendent.

Metal placard showing grade of rural school.

Sec. 7655-8. The superintendent of public instruction shall furnish the boards of education in the village and rural school districts metal placards which shall be placed on the various school buildings showing the grades of such schools.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, Attorney General.

SECTION 2. That original sections 7658, 7747, 7748, and 7749 and sections 7742, 7743, 7744, 7745 and 7746 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred February 4th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 13 G.

AN ACT

[Senate Bill No. 19.]

To amend section 7766 of the General Code, relative to the age limit of females who are entitled to receive schooling certificates.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1: That section 7766 of the General Code be amended to read as follows:

Approval of certificate.

Sec. 7766. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, or, in case of vacancy in the office of superintendent, by the clerk of the board of education, upon satisfactory proof that such child, if a male, is over fifteen years of age or, if a female, is over sixteen years of age and that such child has been examined and passed a satisfactory sixth-grade test, if a male, a seventh-grade test, if a female, in the studies enumerated in section seventy-seven hundred and sixty-two, provided, that

residents of other states who work in Ohio must qualify as aforesaid with the proper school authority in the school district in which the establishment is located, as a condition of employment or service, and that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Every such age and schooling certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Juvenile examiner; duties and compensation.

In order to ascertain whether applicants for such certificates have satisfactorily completed the studies herein prescribed as a condition for the issuance of said certificates the board of education of each city school district may appoint a juvenile examiner who shall receive such compensation as may be fixed by the board of education. No such child residing in a city shall be granted such certificate unless such juvenile examiner shall have previously certified that he has examined such child and that he has passed to his satisfaction the grade test as provided by this section; provided, further, that if a child in the opinion of said juvenile examiner is below the normal in mental development so that he cannot with due industry pass such test, and if the school record shows that such child is below the normal in development, such fact may be certified to by said examiner, and the superintendent or person authorized by him may at his discretion grant such child such age and schooling certificate. Provided, that if said examiner is satisfied that the standard of any school is sufficiently high, he may accept the records thereof as showing that such child has passed such test without further examination.

Form of certificate.

The age and schooling certificate must be formulated by the superintendent of public instruction, and furnished in blank by the clerk of the board of education. It shall show the date of its issue. A record giving all the facts contained on every certificate issued shall be kept on file in the office issuing the same, and also a record of the names and addresses of the children to whom certificates have been refused, together with the names of the schools which such children should attend and the reasons for refusal.

List to whom certificates issued furnished industrial commission.

The superintendent of schools or other persons authorized to issue employment certificates shall transmit between the first and tenth days of each month, to the office of the industrial commission, upon blanks to be furnished by it, a list of the names of the children to whom certificates have been issued, returned or refused. Such lists shall give the name and address of the prospective employer and the nature of the occupation the child intends to engage in.

Child shall be placed in school who ceases to work.

Any child between fifteen and sixteen years of age, who shall cease to work for any cause whatever, shall report the fact and cause at once to the superintendent of schools; or to a person authorized by him or, in case there is a vacancy in the office of superintendent, to the clerk of

the board of education; said child shall be required to return to school within two weeks, provided other employment is not secured within such time; provided that, should a child in the opinion of the superintendent or person acting in his stead, lose his employment by reason of persistent, wilful misconduct or continuous inconstancy, he may be placed in school until the close of the current school year.

Papers to be approved and filed before certificate issued.

The superintendent of schools or the person authorized by him to issue age and schooling certificates, shall not issue such certificates until he has received, examined, approved and filed the following papers duly executed.

Pledge of employer.

(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, also the written agreement to return to the superintendent of schools or to the person authorized by him to issue such certificates, the age and schooling certificate of the child within two days from the date of the child's withdrawal or dismissal from the service of the person, partnership, or corporation, giving the reason for such withdrawal or dismissal.

School record.

(2) The school record of such child, properly filled out and signed by the principal or other person in charge of the school which such child last attended, giving the name, age, address, standing in studies enumerated in section seven thousand seven hundred and sixty-two, and the number of weeks attendance in school during the school year previous to applying for such school record, and general conduct.

Birth certificate.

(3) As evidence of age (a) a passport or duly attested transcript of a passport, filed with a register of passports or other officer charged with the duty of registering passports at the several ports of entry to the United States; or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child; or (b) a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of the child. (c) In case none of the above proofs of age can be produced, other documentary evidence of age which shall appear to be satisfactory to the officer issuing the certificate, (aside from the school record of such child or the affidavit of parent, guardian or custodian), may be accepted in lieu thereof. In such case a school census or enumeration record, duly attested, may be used as proof of age in the discretion of the officer issuing the certificate. (d) In case no documentary proof of age of any kind can be procured, the officer issuing the certificate may receive and file an application signed by the parent, guardian or custodian of the child for a physician's certificate. Such application shall contain the name, alleged age, place and date of birth, and present residence of the child, together with such further facts as may be of assistance in determining the age of such child, and shall con-

Application in case no documentary proof.

tain a statement certifying that the parent, guardian or custodian signing such application is unable to produce any of the documentary proofs of age specified in the preceding subdivisions of this section. If the superintendent or officer authorized by him to issue such certificate, is satisfied that a reasonable effort to procure such documentary proof has been made, the certificate of the school physician, or, if there be none, of a physician employed for the purpose by the board of education that such physician has made a physical examination of such child and is satisfied that he is more than fifteen years of age, if a male or that she is more than sixteen years of age, if a female shall be accepted as sufficient proof of the age of such child for the purpose of this act:

Health certificate.

(4) A certificate from the school physician or if there should be none, of the board of health, and if there be no board of health, within the school district in question, from a licensed physician appointed by the board of education showing that the child is physically fit to be employed in any of the occupations permitted by law for a child between fifteen and sixteen years of age. Provided that if the records of the school physician show such child to have been previously sound in health, no further physician's certificate need be required, but the officer authorized to issue such certificate may at his discretion require such physician's certificate in any case, as a condition to the issuing of an age and schooling certificate.

Special vacation certificates.

The superintendent or person authorized by him may issue special vacation certificates to boys under sixteen years of age and girls under eighteen years of age, which shall entitle the holders thereof to be employed during vacation in occupations not forbidden by law to such children even though such child may not have completed the sixth grade, but provided he has complied with all the other requirements for obtaining the certificate hereinbefore described.

The sectional number herein is in conformity to the General Code.

SECTION 2. That said original section 7766 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

TIMOTHY S. HOGAN,
Attorney General.

Filed in the office of the Secretary of State February 19th, 1914. 14 G.

[House Bill No. 13.]

AN ACT

To amend sections 4679, 4682-1, 4683, 4684, 4685, 4687, 4688, 4689, 4690, 4692, 4696, 4712, 4714, 4715, 4726, 4727, 4728 to 4744 inclusive, 4747, 5653, 7705, 7706, 7730, 7731, to add supplementary sections 4688-1, 4688-2, 4728-1, 4740-1, 4747-1, 4744-1 to 4744-6 inclusive, 7706-1, 7706-2, 7706-3, 7706-4, 7706-5, 7730-1, and to repeal sections 4713, 4716, 4717 to 4725 inclusive of the General Code, relating to the supervision of rural and village schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4679, 4682-1, 4683, 4684, 4685, 4687, 4688, 4689, 4690, 4692, 4696, 4712, 4714, 4715, 4726, 4727, 4728 to 4744 inclusive, 4747, 5653, 7705, 7706, 7730 and 7731 be amended and that supplementary sections 4688-1, 4688-2, 4728-1, 4735-1, 4735-2, 4744-1 to 4744-6 inclusive, 4747-1, 7706-1, 7706-2, 7706-3, 7706-4 and 7706-5 of the General Code be added to read as follows:

School districts classified.

Sec. 4679. The school districts of the state shall be styled, respectively, city school districts, village school districts, rural school districts and county school districts.

When and how village school district may dissolve and join rural district.

Sec. 4682-1. A village school district containing a population of less than fifteen hundred may vote at any general or special election to dissolve and join any contiguous rural district. After approval by the county board such proposition shall be submitted to the electors by the village board of education on the petition of one-fourth of the electors of such village school district or the village board may submit the proposition on its own motion and the result shall be determined by a majority vote of such electors.

Title passes to rural district board of education.

Sec. 4683. When a village school district is dissolved, the territory formerly constituting such village district shall become a part of the contiguous rural district which it votes to join in accordance with section 4682-1, and all school property shall pass to and become vested in the board of education of such rural school district.

County school district defined.

Sec. 4684. Each county, exclusive of the territory embraced in any city school district and the territory in any village school district exempted from the supervision of the county board of education by the provisions of sections 4688 and 4688-1, and territory detached for school purposes, and including the territory attached to it for school purposes, shall constitute a county school district. In each case where any village or rural school district is situated in more than one county such district shall become a part of the county school district in which the greatest part of the territory of such village or rural district is situated.

Territory must be contiguous.

Sec. 4685. The territory included within the boundaries of a city, village or rural school district shall be contiguous except where an island or islands form an integral part of the district.

School district in newly created village.

Sec. 4687. Upon the creation of a village, it shall thereby become a village school district, as herein provided, and, if the territory of such village previous to its creation was included within the boundaries of a rural school district and such rural school district included more territory than is included within the village, such territory shall thereby be attached to such village school district for school purposes, provided such territory has an area of less than sixteen square miles.

What village districts may become exempt from supervision of county board.

Sec. 4688. The board of education of any village school district containing a village which according to the last federal census had a population of three thousand or more, may decide by a majority vote of the full membership thereof not to become a part of the county school district. Such village district by notifying the county board of education of such decision before the third Saturday of July, 1914, shall be exempt from the supervision of the board.

When a census of the population of village district may be taken.

Sec. 4688-1. The board of education of a village school district shall upon the petition of one hundred or more electors of such district, or upon its own motion may at any time order a census to be taken of the population of such district. One or more persons may be appointed by the board to take such census. Each person so appointed shall take an oath or affirmation to take such census accurately and to the best of his ability. He shall make his return under oath to the clerk of the board, and certified copies of such return shall be sent to the county auditor and superintendent of public instruction. If the census shows a population of three thousand or more in the village school district, and such census is approved by the superintendent of public instruction, such district shall, upon notification by the board of education of such village school district, be exempted from the supervision of the county board of education.

Village district exempt from county supervision ineligible to certain state aid.

Sec. 4688-2. All village school districts which are exempted from the supervision of the county board of education as provided in sections 4688 and 4688-1 are thereby rendered ineligible to receive state aid for purposes of supervision and teachers training courses and for the grading of schools as provided in section 7655-5 of the General Code.

Disposal of property in such cases.

Sec. 4689. The provisions of law relating to the power to settle claims, dispose of property or levy and collect taxes to pay existing obligations of a village that has surrendered its corporate powers, shall also apply to such village school district and the board of education thereof.

Title to property when territory annexed to city or village.

Sec. 4690. When territory is annexed to a city or village, such territory thereby becomes a part of the city or village school district, and the legal title to school property in such territory for school purposes shall remain vested in the board of education of the school district from which such territory was detached, until such time as may be agreed

upon by the several boards of education when such property may be transferred by warranty deed.

Transfer of territory from one school district to another.

Sec. 4692. Part of any county school district may be transferred to an adjoining county school district or city or village school districts by the mutual consent of the boards of education having control of such districts. To secure such consent, it shall be necessary for each of the boards to pass a resolution indicating the action taken and definitely describing the territory to be transferred. The passage of such a resolution shall require a majority vote of the full membership of each board by yea and nay vote, and the vote of each member shall be entered on the records of such boards. Such transfer shall not take effect until a map, showing the boundaries of the territory transferred, is placed upon the records of such boards and copies of the resolution certified to the president and clerk of each board together with a copy of such map are filed with the auditors of the counties in which such transferred territory is situated.

Apportionment of funds or indebtedness when territory is transferred.

Sec. 4696. When territory is transferred from one school district to another, the equitable division of funds or indebtedness shall be determined upon at the time of the transfer. When territory is transferred from one district to another by the annexation of territory to a city or village, the proper division of funds in the treasury, or in process of collection, of the board of education of the school district from which the territory is detached, shall, upon application to the probate court of the county in which such territory is situated by either board of education interested, be determined and ordered by such court. If such board of education is indebted, such indebtedness, together with the proper amount of money to be paid to such board by the board of education of the school district to which the territory is transferred, annexed, or of the district created, shall be in like manner determined and ordered by the court.

Board of education in rural school districts.

Sec. 4712. In rural school districts, the board of education shall consist of five members elected at large at the same time township officers are elected and in the manner provided by law, for a term of four years.

Assignment of electors in attached territory for school purposes.

Sec. 4714. Electors residing in a rural school district may vote for school officers and on all school questions at the proper voting place in the township in which such district is located. If the township is divided into different voting precincts, the board of education of such district shall assign the voters thereof to the proper precinct or precincts, and a map shall be prepared showing such assignment, which map shall be made a part of the records of the board. Electors may vote according to such assignment, but, if no assignment of territory is made, they shall vote, in the precinct nearest their residence.

Compensation of members of board.

Sec. 4715. Each member of the board of education of rural school districts, except such districts as contain less

than sixteen square miles, shall receive as compensation two dollars for each regular meeting actually attended by such member, but for not more than five meetings in any year. The compensation allowed members of the board shall be paid from the contingent fund.

Members of county board of education; election and qualifications.

Sec. 4728. Each county school district shall be under the supervision and control of a county board of education composed of five members who shall be elected by the presidents of the various village and rural boards of education in such county school district. Each district shall have one vote in the election of members of the county board of education except as is provided in section 4728-1. At least one member of the county board of education shall be a resident of a village school district if such district is located in the county school district and at least three members of such board shall be residents of rural school districts, but not more than one member of the county board of education shall reside in any one village or rural school district within the county school district.

How school districts shall cast vote for members of county board.

Sec. 4728-1. All school districts other than village and city school districts within a civil township shall be jointly entitled to one vote in the election of members of the county board of education. The presidents of the board of education of all such districts in a civil township shall meet for the purpose of choosing one from their number to cast the vote for members of the county board of education. If no such meeting is held in any year for the purpose of choosing one from their number to cast the vote of such boards, the president of the board having the largest tax valuation shall represent all such districts of the civil township at the election of the county board members. A board of education of a rural district having territory in [two or [more civil]townships shall vote with the boards of education of the districts of the civil township in which the greater part of its taxable property is located.

When members of county board elected and term of office.

Sec. 4729. On the second Saturday in June, 1914, the presidents of the boards of education of the various village and rural school districts in each county school district shall meet and elect the five members of the county board of education, one for one year, one for two years, one for three years, one for four years and one for five years, and until their successors are elected and qualified. The terms of office of such members shall begin on the fifteenth of July, 1914, and each year thereafter on the third Saturday of January. Each year thereafter one member of the county board of education shall be elected in the same manner for a term of five years. The presidents of the various boards of education within the county school district shall be paid their necessary and actual expenses incurred while meeting for the purpose of electing members of the county board of education. Such expenses shall be allowed by the county auditor and paid out of the county treasury upon the order of the chairman and clerk of the meeting.

Call for meeting; notice, organization.

Sec. 4730. The county auditor of each county shall issue the call for the first meeting, giving at least ten days' notice of the place where such meeting will be held. The call for all future meetings shall be issued by the county superintendent. The meeting shall organize by electing a chairman and a clerk. The vote of a majority of the members present shall be necessary to elect each member of the county board. The members of the county board so elected, may or may not be members or officers of any village or rural board of education. The result of the election of members of the county board of education shall be certified to the county auditor by the chairman and clerk of the meeting.

Oath; vacancy.

Sec. 4731. Each member of the county board of education shall within ten days after receiving notice of his election, take an oath that he will perform faithfully the duties of his office. Such oath may be taken before any one authorized by law to administer oaths. If any person so elected shall fail to take such oath within the time prescribed,the office to which he was elected shall be considered vacant. Any vacancy on the board shall be filled in the same manner as is provided in section 4748 of the General Code.

Meetings of county board; organization; record of proceedings.

Sec. 4732. Each county board of education shall meet on the third Saturday of July, 1914, and on the third Saturday of March of each year thereafter, and shall organize by electing one of its members president, and another vice-president, both of whom shall serve for one year. A temporary secretary shall be chosen who shall act until a county superintendent has been elected and thereafter the county superintendent shall act as secretary of the board. The secretary shall keep a full record of the proceedings of the board, properly indexed, in a book provided for that purpose. Each motion, with the name of the person making it and the vote thereon, shall be entered on the record.

Regular meetings when and where held.

Sec. 4733. The regular meetings of the county board of education shall be held at the office of the county superintendent. At the time of the first meeting, the board shall fix the time for holding its regular meetings. Regular meetings shall be held at least every two months and when necessary other meetings may be held at the call of the president, or any two members. A majority of the board shall constitute a quorum at any regular or special meeting.

Payment of expenses.

Sec. 4734. Each member of the county board of education shall be paid his actual and necessary expenses incurred during his attendance upon any meeting of the board. Such expenses, and the expenses of the county superintendent, itemized and verified shall be paid from the county board of education fund upon vouchers signed by the president of the board.

Existing districts remain until changed by county board. Officers continue until successors elected.

Sec. 4735. The present existing township and special school districts shall constitute rural school districts until changed by the county board of education, and all officers and members of boards of education of such existing districts shall continue to hold and exercise their respective offices and powers until their terms expire and until their successors are elected and qualified.

Procedure to dissolve rural district and join to another contiguous thereto.

Sec. 4735-1. When a petition signed by not less than one-fourth of the electors residing within the territory constituting a rural school district, praying that the rural district be dissolved and joined to a contiguous rural or village district, is presented to the board of education of such district; or when such board, by a majority vote of the full membership thereof, shall decide to submit the question to dissolve and join a contiguous rural or village district, the board shall fix the time of holding such election at a special or general election. The clerk of the board of such district shall notify the deputy state supervisors of elections, of the date of such election and the purposes thereof, and such deputy state supervisors shall provide therefor. The clerk of the board of education shall post notices thereof in five public places within the district. The result shall be determined by a majority vote of such electors.

Title to property vests in board of education to which it is joined.

Sec. 4735-2. The legal title of the property of the rural school district, in case such rural district is dissolved and joined to a rural or village district as provided in section 4735-1, shall become vested in the board of education of the rural or village school district to which such district is joined. The school fund of such dissolved rural district shall become a part of the fund of the rural or village school district which it voted to join. The dissolution of such district shall not be complete until the board of education of the district has provided for the payment of any indebtedness that may exist.

Powers and duties of county board.

Sec. 4736. The county board of education shall as soon as possible after organizing make a survey of its district. The board shall arrange the schools according to topography and population in order that they may be most easily accessible to pupils. To this end the county board shall have power by resolution at any regular or special meeting to change school district lines and transfer territory from one rural or village school district to another. A map designating such changes shall be entered on the records of the board and a copy of the resolution and map shall be filed with the county auditor. In changing boundary lines the board may proceed without regard to township lines and shall provide that adjoining rural districts are as nearly equal as possible in property valuation. In no case shall any rural district be created containing less than fifteen square miles. In changing boundary lines and other work of a like nature the county board shall ask the

assistance of the county surveyor and the latter is hereby required to give the services of his office at the formal request of the county board.

Question of centralization to be submitted to vote.

Sec. 4726. A rural board of education may submit the question of centralization, and, upon the petition of not less than one-fourth of the qualified electors of such rural district, or upon the order of the county board of education, must submit such question to the vote of the qualified electors of such rural district at a general election or a special election called for that purpose. If more votes are cast in favor of centralization than against it, at such election, such rural board of education shall proceed at once to the centralization of the schools of the rural district, and, if necessary, purchase a site or sites and erect a suitable building or buildings thereon. If, at such election, more votes are cast against the proposition of centralization than for it, the question shall not again be submitted to the electors of such rural district for a period of two years, except upon the petition of at least forty per cent. of the electors of such district.

Question of decentralization may be submitted after three years.

Sec. 4727. When the schools of a rural school district have been centralized such centralization shall not be discontinued within three years, and then only by petition and election, as provided in section 4726. If at such election more votes are cast against centralization than for it, the division into subdistricts as they existed prior to centralization shall thereby be re-established.

Date of organization; regular meetings.

Sec. 4747. The board of education of each city, village and rural school district shall organize on the first Monday of January after the election of members of such board. One member of the board shall be elected president, one as vice-president and a person who may or may not be a member of the board shall be elected clerk. The president and vice-president shall serve for a term of one year and the clerk for a term not to exceed two years. The board shall fix the time of holding its regular meeting.

Annual meeting of all members for discussion of school matters.

Sec. 4747-1. Once each year all the members of the boards of education of the various village and rural school districts within any county school district shall hold a meeting for the purpose of discussing matters relating to the schools of such county school district. The county superintendent shall arrange for the time and place of holding such meeting and shall also act as chairman.

Power of board to suspend a school. Conveyance of pupils.

Sec. 7730. The board of education of any rural or village school district may suspend any or all schools in such village or rural school district. Upon such suspension the board in such village school district may provide and in such rural school districts shall provide for the conveyance of the pupils attending such schools to a public school in the rural or village district, or to a public school in another district. When the average daily attendance of any school for the preceding year has been below twelve, such school shall be suspended and the

pupils transferred to such other school or schools as the local board may direct. No school of any rural district shall be suspended or abolished until after sixty days' notice has been given by the school board of such district. Such notice shall be posted in five conspicuous places within such village or rural school district.

When board shall provide transportation.

Sec. 7731. In all rural and village school districts where pupils live more than two miles from the nearest school the board of education shall provide transportation for such pupils to and from such school. The transportation for pupils living less than two miles from the school house, by the most direct public highway shall be optional with the board of education. When transportation of pupils is provided, the conveyance must pass within one-half mile of the respective residences of all pupils, except when such residences are situated more than one-half mile from the public road. When local boards of education neglect or refuse to provide transportation for pupils, the county board of education shall provide such transportation and the cost thereof shall be charged against the local school district.

Publication of minimum course of study by county board.

Sec. 4737. The county board of education shall publish with the advice of the county superintendent a minimum course of study which shall be a guide to local boards of education in prescribing the courses of study for the school under their control. The county board may publish different courses of study for village and rural school districts.

Division of county district into supervision districts.

Sec. 4738. The county board of education shall within thirty days after organizing divide the county school district into supervision districts, each to contain one or more village or rural school districts. The territory of such supervision districts shall be contiguous and compact. In the formation of the supervision districts consideration shall be given to the number of teachers employed, the amount of consolidation and centralization, the condition of the roads and general topography. The territory in the different districts shall be as nearly equal as practicable and the number of teachers employed in any one supervision district shall not be less than twenty nor more than sixty.

When county shall be redistricted.

The county board of education shall, upon application of three-fourths of the presidents of the village and rural district boards of the county, redistrict the county into supervision districts.

Election of district superintendent.

Sec. 4739. Each supervision district shall be under the direction of a district superintendent. Such district superintendent shall be elected by the presidents of the village and rural boards of education within such district, except that where such supervision district contains three or less rural or village school districts the boards of education of such school districts in joint session shall elect such superintendent. The district superintendent shall be employed upon the nomination of the county su-

perintendent but the board electing such district superintendent may by a majority vote elect a district superintendent not so nominated.

District which already employs a superintendent.

Sec. 4740. Any village or rural district or union of school districts for supervision purposes which already employs a superintendent and which officially certifies by the clerk or clerks of the board of education on or before July 20th, 1914, that it will employ a superintendent who gives at least one-half of his time in supervision, shall upon application to the county board of education be continued as a separate supervision district so long as the superintendent receives a salary of at least one thousand dollars and continues to give one-half of his time to supervision work. Such districts shall receive such portion of state aid for the payment of the salary of the district superintendent as is based on the ratio of the number of teachers employed to forty, multiplied by the fraction which represents that fraction of the regular school day which the superintendent gives to supervision. The county superintendent shall make no nomination of a district superintendent in such district until a vacancy in such superintendency occurs. After the first vacancy occurs in the superintendency of such a district all appointments shall be made on the nomination of the county superintendent in the manner provided in section 4739. A vacancy shall occur only when such superintendent resigns, dies or fails of re-election.

Nomination when vacancy occurs.

Any school district or districts, having less than twenty teachers, isolated from the remainder of the county school district by supervision districts provided for in this section shall be joined for supervision purposes to one or more of such supervision districts, but the superintendent or superintendents already employed in such supervision district or districts shall be in charge of the enlarged supervision district or districts until a vacancy occurs.

Term of district superintendent.

Sec. 4741. The first election of any district superintendent shall be for a term not longer than one year, thereafter he may be re-elected in the same district for a period not to exceed three years. Whenever for any cause in any district a superintendent has not been appointed by September first, the county board of education shall appoint such superintendent for a term of one year.

Meeting to elect successor to district superintendent.

Sec. 4742. Not less than sixty days before the expiration of the term of any district superintendent, the presidents of the boards of education within such supervision district, or in supervision districts which contain three or less village or rural districts, the boards of education of such districts shall meet and elect his successor. The president of the board in the village or rural district having the largest number of teachers shall issue the call giving at least ten days' notice of the time and place of meeting. He shall also act as chairman and certify the results of such meeting to the county board of education.

Compensation of district superintendent. Amount paid by the state.

Sec. 4743. The compensation of the district superintendent shall be fixed at the same time that the appointment is made and by the same authority which appoints him; such compensation shall be paid out of the county board of education fund on vouchers signed by the president of the county board. The salary of any district superintendent shall in no case be less than one thousand dollars per annum, half of which salary not to exceed seven hundred and fifty dollars shall be paid by the state and half by the supervision district, except where the number of teachers in any supervision district is less than forty in which case the amounts paid by the state shall be such proportion of half the salary as the ratio of the number of teachers employed is to forty. The half paid by the supervision district shall be pro-rated among the village and rural school districts in such district in proportion to the number of teachers employed in each district.

County superintendent; appointment, term, duties.

Sec. 4744. The county board of education at a regular meeting held not later than July 20th, shall appoint a county superintendent for a term not longer than three years commencing on the first day of August. Such county superintendent shall have the educational qualifications mentioned in section 4744-4. He shall be in all respects the executive officer of the county board of education, and shall attend all meetings with the privilege of discussion but not of voting.

Salary of county superintendent; how paid.

Sec. 4744-1. The salary of the county superintendent shall be fixed by the county board of education, to be not less than twelve hundred dollars per year, and shall be paid out of the county board of education fund on vouchers signed by the president of the county board. Half of such salary shall be paid by the state and the balance by the county school district. In no case shall the amount paid by the state be more than one thousand dollars. The county board may also allow the county superintendent a sum not to exceed three hundred dollars per annum for traveling expenses and clerical help. The half paid by the county school district shall be pro-rated among the village and rural school districts in the county in proportion to the number of teachers employed in each district.

County board shall certify, annually, number of teachers and superintendents employed, salaries and amounts apportioned to each district.

Sec. 4744-2. On or before the first day of August of each year the county board of education shall certify to the county auditor the number of teachers to be employed for the ensuing year in the various rural and village school districts within the county school district, and also the number of district superintendents employed and their compensation and the compensation of the county superintendent; and such board of education shall also certify to the county auditor the amounts to be apportioned to each district for the payment of its share of the salaries of the county and district superintendents,

County auditor shall retain from apportionment of school funds sum necessary to pay county and district superintendents.

Sec. 4744-3. The county auditor when making his semi-annual apportionment of the school funds to the various village and rural school districts shall retain the amounts necessary to pay such portion of the salaries of the county and district superintendents as may be certified by the county board. Such amount shall be placed in a separate fund to be known as the "County board of education fund." The county board of education shall certify under oath to the state auditor the amount due from the state as its share of the salaries of the county and district superintendents of such county school district for the next six months. Upon receipt by the state auditor of such certificate, he shall draw his warrant upon the state treasurer in favor of the county treasurer for the required amount, which shall be placed by the county auditor in the county board of education fund.

County board shall certify to state auditor amount due from state.

Who eligible as county superintendents.

Sec. 4744-4. Only such persons shall be eligible as county superintendents who shall have:

(1) Five years' experience as superintendent and a high school life certificate; or

(2) Six years' experience in teaching, two years' additional experience in supervision, and at least a three-year county high school certificate; or

(3) Five years' experience as superintendent and a county high school certificate, and also be a graduate from a recognized institution of college or university rank; or

(4) Five years' teaching experience with one year's professional training in school administration and supervision in a recognized school of college or university rank, and a high school life certificate; or

(5) Five years' teaching experience with one year's professional training in school administration and supervision in a recognized school of college or university rank, and a county high school certificate, and be a graduate from a recognized institution of college or university rank.

Who eligible as district superintendent.

Sec. 4744-5. Only such persons shall be eligible as district superintendents who shall have:

(1) Three years' experience in school supervision, and at least a county high school certificate; or

(2) Four years' experience in teaching, one year's additional experience in supervision or one year's training in supervision in an institution of college or university rank and at least a county high school certificate; or

(3) Three years' experience in teaching, graduation from a first grade high school or its equivalent, and in addition thereto two years' professional training in a recognized institution of college or normal school rank for the training of teachers and at least a county high school certificate. The county board of education shall certify to the superintendent of public instruction the qualifications of each county and district superintendent.

Offices for county superintendent and county board of education.

Sec. 4744-6. The county commissioners of each county shall provide and furnish offices in the county seat for the use of the county superintendent. Such offices shall be the permanent headquarters of the county super-

intendent and shall be used by the county board of education when in session.

Employment of teachers.

Sec. 7705. The board of education of each village, and rural school district shall employ the teachers of the public schools of the district, for a term not longer than three school years, to begin within four months of the date of appointment. The local board shall employ no teacher for any school unless such teacher is nominated therefor by the district superintendent of the supervision district in which such school is located except by a majority vote.

Designation of principal in high and consolidated schools.

In all high schools and consolidated schools one of the teachers shall be designated by the board as principal and shall be the administrative head of such school.

Duties of district superintendent.

Sec. 7706. The district superintendent shall visit the schools under his charge, direct and assist teachers in the performance of their duties, classify and control the promotion of pupils, and shall spend not less than three-fourths of his working time in actual class room supervision. He shall report to the county superintendent annually, and oftener if required, as to all matters under his supervision. He shall be the chief executive officer of all boards of education within his district and shall attend any and all meetings. He may take part in their deliberations, but shall not vote. Such time as is not spent in actual supervision shall be used for organization and administrative purposes and in the instruction of teachers. At the request of the county board of education he shall teach in teachers' training courses which may be organized in the county school district.

Assemble teachers for conference.

Sec. 7706-1. The district superintendent shall, as often as advisable, assemble the teachers of his district for the purpose of conference on the course of study, discipline, school management and other school work and for the promotion of the general good of all the schools in the district. The county superintendent shall co-operate with the different district superintendents in holding such teachers' meetings and shall attend as many of them as his other duties will permit.

Recommend text books and course of study.

Sec. 7706-2. It shall be the duty of the district superintendent to recommend to the village and rural boards of education within such district, such text books and courses of study as are most suitable for adoption.

Duties of county superintendent.

Sec. 7706-3. The county superintendent shall hold monthly meetings with the district superintendents and advise with them on matters of school efficiency. He shall visit and inspect the schools under his supervision as often as possible and with the advice of the district superintendent shall outline a schedule of school visitation for the teachers of the county school district.

Supervision of training courses; reports.

Sec. 7706-4. The county superintendent shall have direct supervision over the training of teachers in any training courses which may be given in any county school district and shall personally teach not less than one hundred nor more than two hundred periods in any one year.

It shall be his duty to see that all reports required by law are made out and sent to the county auditor and superintendent of public instruction and make such other reports as the superintendent of public instruction may require. Any county superintendent or district superintendent who becomes connected with or becomes an agent of or financially interested in any book publishing or book selling company or educational journal or magazine, shall become ineligible to hold such office and shall be forthwith removed by the board having control over such county superintendent or district superintendent.

Superintendent financially interested in book company ineligible to hold such office.

Sec. 7706-5. The provisions of this act shall apply only to the public schools of the state.

Sec. 5653. After paying all such sheep claims, at the June session of the county commissioners, if there remain more than one thousand dollars of such fund, the excess at such June session, shall be transferred and disposed as follows: in a county in which there is a society for the prevention of cruelty to children and animals, incorporated and organized as provided by law, which has one or more agents appointed in pursuance of law, all such excess as the county commissioners deem necessary for the uses and purposes of such society by order of the commissioners and upon the warrant of the county auditor shall be paid to the treasurer of such society, and any surplus not so transferred shall be transferred to the county board of education fund at the direction of the county commissioners.

Distribution of surplus sheep claims fund.

SECTION 2. That original sections 4679, 4682-1, 4683, 4684, 4685, 4687, 4688, 4689, 4692, 4696, 4712, 4714, 4715, 4716, 4726, 4727, 4728 to 4744 inclusive, 4747, 5653, 7705, 7706, 7730 and 7731, and sections 4690, 4691, 4713, 4717 to 4725 inclusive of the General Code be and the same are hereby repealed.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 15 G.

[House Bill No. 43.]

AN ACT

To amend sections 8572-1, 8572-6, 8572-16, 8572-18, 8572-22, 8572-28, 8572-43, 8572-44, 8572-51, 8572-67, 8572-77, 8572-80, 8572-94, 8572-99, 8572-112, 8572-113, and 8572-114 relating to the registration of land titles.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 8572-1, 8572-6, 8572-16, 8572-18, 8572-22, 8572-28, 8572-43, 8572-44, 8572-51, 8572-67, 8572-77, 8572-80, 8572-94, 8572-99, 8572-112, 8572-113, and 8572-114 of the General Code be amended to read as follows:

Jurisdiction of common pleas and probate courts.

Sec. 8572-1. Concurrent jurisdiction, except as otherwise provided, is hereby conferred upon the common pleas and probate courts in all matters arising under this act. The probate court, for the purpose of this act and as to the jurisdiction hereby conferred, shall have all the powers both at law and in equity of a court of general jurisdiction. In counties having three or more common pleas judges said judges may select one or more from their own number who shall act as judge or judges in land registration cases and matters. In case the judge or judges so selected on account of interest, absence or other disability, or in case of emergency, are unable to perform the duties, any other common pleas judge for the same county may perform them. The common pleas court in any county may, in case the business requires the same, appoint one or more deputy clerks to assist the clerk in attending to land registration cases and matters. Said courts shall have full power to inquire into the condition of the title to any and all interests or estates, legal or equitable in land, or any lien, charge or incumbrance thereon, and to make all such orders, judgments and decrees as may be necessary to settle, determine, establish and declare as against all persons known and unknown, in being or unborn, the said title, interest or estate, and all liens and incumbrances existing therein, and the order and preferences as between the same, and to remove as against all persons known and unknown, in being or unborn, clouds from the title and forever quiet and settle the same.

When tax deed entitled to be registered.

Sec. 8572-6. No title derived through or under any tax sale or tax deed shall be entitled to be first registered unless it shall be made to appear that title under said tax sale or tax deed has been duly established and confirmed, or acquired, by a valid judgment or decree of a court of competent jurisdiction or that the applicant and those through and under whom he claims title have been in the actual, undisputed and adverse possession of the land under such title for at least twenty-one years and have paid all taxes and assessments legally levied thereon for at least ten successive years next preceding the filing of the application.

Guardian ad litem; duties, compensation.

Sec. 8572-16. Upon proof of service of all orders of notice issued and the court being satisfied that all necessary defendants are properly before the court, the court shall appoint a disinterested person other than the examiner by whom the title was examined and reported upon, to act as guardian ad litem for minors, for persons under any other disability, and for all persons not in being, unascertained, unknown or out of the state, who may have an interest either vested, contingent, in expectancy or otherwise. The compensation of the guardian under schedule of fees hereinafter provided shall be determined by the court and paid as part of the costs in the case. It shall be the duty of said guardian to file an answer such as the case may require and actively to ascertain and protect, so far as is reasonably possible, the interests of all persons for whom he was appointed guardian for the suit and particularly to represent and act for and protect the interests and rights of all persons not in being.

Order of default and decree of title and registration; final order.

Sec. 8572-18. If no person appears and answers or files other plea within the time allowed, then after the appointment of a guardian ad litem and the filing of an answer by him as required in the second preceding section, the court may upon motion of the applicant, no reason to the contrary appearing, order a general default to be recorded and the application to be taken for confessed and a decree to be entered confirming the title of the applicant and ordering registration thereof. The court shall in no case, however, either upon default or after a hearing, make a final order directing the registration of title to land until there is first filed in the case the certificate of an examiner of titles to whom the matter shall be referred for that purpose, stating that all necessary and proper parties to a complete determination of the case have been made and properly brought before the court and that the case is ripe for the entry of such final order. The court shall not be bound by the report of the examiner of titles but may require other or further proof. By the description in the application and published notice, "all persons having any interest in or lien upon the land or any part thereof," all the world except defendants personally served shall be treated and regarded as having been made parties defendant and properly served.

When decree of confirmation and registration shall be entered; effect of.

Sec. 8572-22. If the court after a hearing finds that the applicant has title in whole or in part as stated in his application, and proper for registration, then to the extent of the title so found a decree of confirmation and registration shall be entered, which shall have the effect of a decree in rem and, subject only to the exceptions stated in section 25, shall bind the land and all interests, rights and estates therein and liens and charges thereon and, after the expiration of the time to prosecute error or appeal and except as otherwise provided in this act, shall be absolutely conclusive upon and against all persons including the state or any political subdivision thereof, whether mentioned by name

in the application, notice or other papers in the case, or as unknown heirs and devisees, or included in the general description "all other persons if any, having any right or interest in or lien upon the lands or any part thereof," and whether under disability, not in being, unknown or unascertained; and after the expiration of the time for prosecuting error or appeal, except as otherwise provided in this act, no such person shall in any of the courts of this state assert by suit or otherwise any claim to an interest or estate in or lien or charge upon registered land in derogation of or contrary to the purport of such decree. Such decree shall not, after the expiration of the time for prosecuting error or appeal, be opened by reason of the absence, infancy or other disability of any person affected thereby, nor by any suit or proceeding at law or in equity for opening up judgments or decrees by reason of a party not having had actual notice of the suit or proceedings; but any person deprived of land or of any estate or interest therein or lien or charge thereon by a decree of registration obtained by fraud may file a petition in the case to open up and review the same within one year after the entry of the decree, provided no innocent purchaser for value, mortgagee or other lien holder has acquired an interest. If there is any such purchaser, mortgagee or other lien holder, the decree of registration shall not as to them or any person holding under them be opened, but shall remain in force and effect forever, subject only to the right of appeal and to prosecute error. But any person who is aggrieved by such decree in any case may pursue his remedy by action of tort against the applicant or against any other person for fraud in procuring the decree.

What decree of registration shall contain.

Every decree of registration shall bear date of the year, month, day, hour and minute of its entry and shall be signed by the clerk. It shall give the residence and address of the owner of the land registered, state whether he or she is married or unmarried, and if married, the name of the husband or wife; if such owner is under disability it shall state the nature of the disability, and if a minor, shall state his age. It shall contain an accurate description and plat of each separate parcel of the land as finally determined and adopted by the court, shall set forth the estate of the owner and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments, and other incumbrances, including rights of husband or wife, if any, to which the land or the owner's estate is subject and all suits pending by or against the owner or any of his predecessors in title in any court of record in the county the judgments in which might affect the land or the owner's title thereto and also all such suits elsewhere pending if the same were brought to the attention of the court by the pleadings or evidence in the case, and may contain any other matter properly to be determined by the court in pursuance of this act. The decree shall be stated in a form convenient for transcription upon or bind-

ing in the register of certificates of title hereinafter mentioned, and in a form suitable to constitute it a certificate of title and shall so far as possible give the full name, residence and postoffice address of each owner and holder of any estate or interest in or lien or charge upon the lands or any part thereof. The clerk, under the direction of the court, shall make and keep indexes of all applications and of all decrees of registration.

Certified copy in case of lost or destroyed certificate.

Sec. 8572-28. In the event of a duplicate certificate of title being lost or destroyed, the owner, together with other persons, if any, having knowledge of the circumstances, may make affidavit before the recorder, stating the facts of the case, the names and residences of the registered owners, and such other matters as may be required by the recorder; and the recorder, if satisfied as to the truth of such affidavit, and the bona fides of the transaction, shall issue to the owner a certified copy of the original certificate, with the memorials and notations appearing upon the register, and shall note upon the register the fact, cause and date of such issue, and shall also mark upon such certified copy "owner's certified copy issued in the place of lost (or destroyed, as the case may be) duplicate certificate," and such certified copy shall stand in the place of and have like effect as the missing certificate.

Purchaser acquiring title through executor may have same registered.

Sec. 8572-43. When the will of a deceased registered owner of real property, or any estate, right or interest therein, empowers the executor or executors to sell, encumber or otherwise deal with such property, estate, right or interest, it shall not be necessary for such executor or executors to be registered as the owner or owners thereof; but any person who acquires title through or by virtue of the execution of such power may have such title registered, by application to and order of the court made after notice to all persons in interest to be given by the clerk by registered mail or otherwise as the court may direct.

How registered estate charged with encumbrance.

Sec. 8572-44. Whenever any registered land or estate or interest therein is intended to be charged or made security in favor of any mortgagee, the mortgagor shall excute a mortgage deed in any form recognized by law; and whenever any such land is intended to be charged with, or made security for the payment of an annuity, rent charge, sum of money, or any other charge or lien, in favor of any encumbrancee or lien holder, the encumbrancer shall execute an instrument of encumbrance in any form recognized by law. Every instrument aforesaid shall contain a pertinent description of the land and an accurate statement of the estate or interest intended to be mortgaged, charged or encumbered, and when duly registered shall operate as a lien or charge upon and bind the land covered thereby for the period ending fifteen years after the maturity of the last debt or obligation secured thereby. A trust deed in the nature of a mortgage shall be deemed to be a mortgage and be subject to the same rules as a mortgage, for all purposes under this act.

How and when a judgment of a justice of the peace, mayor, etc., becomes a lien upon registered land.

Sec. 8572-51. Whenever any transcript from the docket of a justice of the peace or mayor, or other officer or tribunal which is now or may hereafter be empowered by law to render judgments, is filed in the clerk's office for a lien, the party or his agent or attorney filing the same is hereby required to notify the clerk as to the fact whether the land upon which the lien is sought is registered. If registered, in addition to the fee now required to be paid, such party shall pay to the clerk his fee for a certificate which the clerk shall thereupon issue to such party under his hand and the seal of the court stating the number of the case, parties, date of the judgment, amount of judgment and costs, and the exact time when filed in his office, and the volume and page where entered. Such party so receiving the said certificate shall file the same with the recorder, who shall make notation of the filing and enter a memorial thereof on the last registered certificate of title for such land. No lien shall attach to any registered land under such transcript until such certificate is filed with the recorder and by him noted as aforesaid.

Proceedings in eminent domain.

Sec. 8572-67. Whenever registered land, or any interest therein, is sought to be taken in the exercise of the right of eminent domain, notice of the proceedings with a pertinent description of the lands sought to be appropriated together with the name of the owner, shall be filed with the recorder, and a memorial made on the last registered certificate of title of the lands sought to be appropriated.

No title shall pass until a certified copy of the order of appropriation made by the court, setting forth by whom appropriated, from whom, and the amount of land appropriated, with an accurate description and plat thereof, and that the damages assessed have been paid or secured to be paid, shall be filed with the recorder under the seal of the court. On filing of such order, description and plat the recorder shall note on the last registered certificate of title of the owner whose lands have been appropriated, the amount appropriated, in exact terms, and shall register in the name of the person, corporation, or other body entitled thereto, the title of the land taken, and issue a certificate therefor. If land which was taken for a public use reverts by operation of law to the owner from whom it was taken or to his heirs or assigns, the court upon petition of the person entitled to the benefit of the reversion, after notice and a hearing, may order the entry of a new certificate of title to him.

Who shall be made parties to suit or proceeding.

Sec. 8572-77. In all suits and proceedings in any of the courts of this state in which any estate or interest in or lien or charge upon registered land is in any way involved or affected, or any registered land is to be sold or the title otherwise transferred, all persons shown by the registered certificate of title to have any interest in the subject matter of the suit or proceeding, and all other persons known or appearing to have an interest, shall be made parties and properly brought before the court and shall be bound and

concluded by the orders, judgments and decrees of the court in the same manner and to the same extent as in the initial registration of title to land as provided in this act. And the residence and postoffice address of any party in interest as shown by the certificate of title or memorials or memoranda indorsed thereon in the office of the recorder, unless known by the plaintiff or party required to cause notice to be given to be incorrect, may be treated and regarded as the correct residence and address of such party in interest and service made accordingly whether he resides within or without the state. And in any matter or proceeding before the recorder in relation to registered land or any interest in or lien or charge upon the same, when notice is required to be or may be given, such residence and address, in the absence of knowledge to the contrary, may be treated and regarded as correct and service made accordingly. In all such suits and proceedings in any court of the state or matters or proceeding sbefore a recorder relating to registered land or any interest in or lien or charge upon the same, service of summons or notice may be made on any party in interest by the clerk of court or recorder by mailing to such party such summons or notice in a registered letter with a five days' return card thereon, directed to his postoffice address as shown by the registered certificate of title, or if not so shown, to his known postoffice address. In case said letter is not by the postal authorities returned to the officer mailing the same, such service shall be deemed and held to have been actually made. In case said letter is so returned then upon the filing of an affidavit of the plaintiff or other party required to give notice or his attorney that he knows and after diligent research has been unable to learn of any other residence and address of such party in interest than those stated in the registered certificate of title, or that he has been unable to learn the residence and address of any person in interest whose name, residence and address is not so shown by the registered certificate of title, if such person in interest is shown by the registered certificate or is known to be a resident of Ohio, summons as provided in civil actions shall be issued for him to the sheriff of the county of his residence as so shown or known, and if returned "not found," such person and also such like person not so shown or known to reside in the state, may be served by publication as in other cases, or as in original registration, as one whose residence is unknown; and unknown heirs and devisees, and all other unknown persons, whether in being or not, under the term and designation of "whom it may concern" may be made parties and served by publication as in original registration or as in other civil cases, and all such persons so made parties and so served shall be bound and concluded by the judgment or decree with no right to question the same except upon error or appeal or for fraud of the successful party in procuring same to be asserted only against persons not bona fide purchasers or

encumbrancees, or persons holding under them, by suit to be brought within one year from the entry of such judgment or decree.

Right to appeal or prosecute error in court of appeals.

Sec. 8572-80. Except as otherwise provided in this act, the party or parties aggrieved by the final order, judgment or decree of the court, provided for in any of the matters, proceedings, suits or actions under any of the provisions of this act, may appeal or prosecute error, direct either from the court of common pleas or probate court to the court of appeals, and findings of fact and bills of exception may be made and taken and the proceedings to perfec and upon appeal and error shall in all respects be the same as in other civil cases in the common pleas court except that any petition in error must be filed within thirty days after the entry of the final order or decree, and bill of exceptions and transcript of the docket and journal entries may be filed in the court of appeals either at the time of filing the petition in error or within sixty days after the entry of the judgment, order or decree complained of.

Attorney General shall prepare system of books, records, etc.

Sec. 8572-94. The attorney general shall prepare and from time to time prescribe a uniform system of books, records, entries, blanks and forms for the use of the public officers required to perform duties under this act and particularly prescribe convenient general forms of applications to register, forms of decrees of registration and certificates of title and general forms of memorials and notations to be used by the recorder in registering, releasing or discharging the common forms of conveyance and incumbrance, to express briefly the effect of such instruments; and such books, blanks and forms so prepared and prescribed, so far as applicable, shall be used by such officers. The attorney general may call to his aid in the performance of his duties under this section such expert assistants as he may deem necessary. Such assistants shall be paid for their services in the same manner as provided by law for the payment of special counsel appointed by the attorney general in civil actions.

The term court defined.

Sec. 8572-99. Whenever the term court is used in this act in respect to any proceedings hereunder it shall be held to mean either the common pleas or probate court, unless one or the other or some other court is specifically mentioned or referred to; and whenever the term probate court is used it shall be held to mean the court at the time having jurisdiction of the settlement of estates and testamentary matters whether it be the probate or common pleas court.

Schedule of fees.

Sec. 8572-112. On the filing of an application for registration the applicant shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees and charges in such proceeding on behalf of the applicant. Any defendant, except a guardian ad litem, on entering his appearance by filing a pleading of any kind shall pay to the clerk of the court the sum of three dollars, which shall be in full of all clerk's fees in behalf of such defendant.

When any number of defendants enter their appearance as aforesaid at the same time, and in one pleading, but one fee shall be paid. Every publication in a newspaper required by this act shall be paid for by the party on whose application the order of publication is made, in addition to the fees above prescribed. The party at whose request or on whose behalf any notice is issued shall pay for the service of the same except when sent by mail by the clerk of the court or recorder.

Examiners of title shall receive for examining title on original reference and making report on all matters arising under the application, including final certificate as to all necessary parties being made and properly brought before the court and as to the proceedings being regular and legal five dollars for each separate and distinct parcel or body of land included in the application appraised for taxation at two thousand dollars or less, and on such parcels so valued at from two thousand dollars to five thousand dollars one-half of one percentum of such value, and where the court for special reasons may so order, an additional one-tenth of one percentum on the excess value above five thousand dollars up to thirty thousand dollars, the fee in no case to be in excess of fifty dollars nor in ordinary cases in excess of twenty-five dollars for each separate body or parcel of land although made up of more than one tract.

Upon a reference to an examiner of titles or to any other person upon a hearing to take evidence and make report to the court, the fee of the referee shall be fixed by the court but at not more than five dollars per day for the time actually employed.

For certificate of an examiner of titles as to all necessary parties being before the court and the proceedings being regular and legal in a suit for partition, foreclosure of mortgage, marshaling of liens, or other suit or proceeding affecting the title or any interest in or lien or charge upon registered lands, five dollars.

To guardians for the suit in original registration where there is no contest in which the guardian participates, three dollars; in other cases such fees as the court may fix not exceeding in any case twenty-five dollars.

The recorder shall receive the following fees:

For original registration of title, issuing duplicate certificate, entering memorials and memoranda, as directed by the decree, and indexing the same	$1.50
For examining and registering each transfer of registered land, including the filing of all papers therewith, entering memorials, issuing new duplicate certificate of title and indexing the same	$1.50
For filing, examining and entering a memorial of each mortgage, lease, lien, charge, or demand upon registered land, and indexing the same for each separately registered parcel	.25

For cancellation of any memorial or memorandum.... .25
For each certified copy of a registered certificate or issuing a mortgagee's duplicate certificate..... $1.00
For continuing an owner's duplicate certificate and entering and certifying memorials and notations thereon..... .50

For filing, recording and indexing any papers or instruments other than those above provided, for any certified copy of record or of any instrument on file in his office, the same fees as may be allowed by law for like services.

For issuing subpoenas and notices and swearing witnesses, same fees allowed the clerk of court for like service.

For certifying pending suits, judgments, liens, attachments, executions or levies, the officers certifying the same to the recorder shall receive a fee of twenty-five cents to be paid by party interested and taxed in the costs of the case.

For serving summons, notice or other paper provided for in this act the sheriff or other officer shall receive the same fees as in other similar cases.

Costs as herein provided may in any case be taxed and by the court ordered to be paid by the parties in such manner as to it may seem just and reasonable.

Penalty for obtaining certificate fradulently.

Sec. 8572-113. Whoever fraudulently procures, assists in fraudulently procuring or is privy to the fraudulent procurement of, any certificate of title, or other instrument, or of any entry in the register or other book kept in the recorder's office or of any erasure or alteration in any entry in any such book, or in any instrument authorized by this act, or knowingly defrauds, or is privy to defrauding, any person by means of a false or fraudulent instrument, certificate, statement or affidivit, affecting registered lands or any interest in or lien or charge upon the same, shall be guilty of a felony and upon conviction thereof shall be imprisoned in the penitentiary not exceeding five years, nor less than one year, and be fined in any sum not exceeding five thousand dollars.

Penalty for forgery.

Sec. 8572-114. Whoever forges, or procures to be forged, or assists in forging, the name or the seal of the recorder, or the name, signature or handwriting of any officer in cases where, by the provisions of this act, such officer is expressly or impliedly authorized to affix his signature; or

Fraudulently stamps or procures to be stamped, or assists in stamping, any document with any forged seal or the seal of the recorder; or

Forges, or procures to be forged, or assists in forging the name, signature or handwriting of any person whomsoever, to any instrument which is expressly or impliedly authorized by this act to be signed by such person; or

Uses for any purpose authorized by this act or permitted thereunder any document upon which any impression, or part of the impression of any seal of the recorder or other officer has been forged, knowing the same to have

been forged, or any document, paper or writing, the signature to which has been forged, knowing the same to be forged, shall be guilty of felony, and on conviction thereof shall be imprisoned in the penitentiary not exceeding ten years, nor less than one year, and fined not exceeding five thousand dollars.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, Attorney General.

SECTION 2. That original sections 8572-1, 8572-6, 8572-16, 8572-18, 8572-22, 8572-28, 8572-43, 8572-44, 8572-51, 8572-67, 8572-77, 8572-80, 8572-94, 8572-99, 8572-112, 8572-113, and 8572-114 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 16 G.

[House Bill No. 24.]

AN ACT

To amend sections 7868 and 7869 of the General Code and to add supplemental sections 7654-1, 7654-2, 7654-3, 7654-4, 7654-5, 7654-6, 7654-7, and 7868-1 of the General Code relating to the training of teachers for village and rural schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7860, 7865, 7868, 7869, 7870 and 7873 of the General Code be amended and supplemental sections 7654-1, 7654-2, 7654-3, 7654-4, 7654-5, 7654-6, 7654-7, and 7868-1 be added to read as follows:

Rural and village first grade high schools may establish normal departments for training of teachers.

Sec. 7654-1. Boards of education which maintain first grade high schools in village or rural districts may establish normal departments in such schools for the training of teachers for village and rural schools. Not more than three such normal schools shall be established in any one county school district, and not more than one such department shall be maintained in any village or rural district. At least one such school in each county shall be located in a rural district or in a village with less than 1,500 population, and not more than one such school in each county shall be located in a village having a population of 1,500 or more. Schools desiring such a department shall make application therefor to the superintendent of public instruction and a copy of such application shall be filed with the county superintendent. The superintendent of public instruction shall examine all applications and shall designate such schools as may establish such departments.

Where and how established.

Courses and entrance requirements.

Sec. 7654-2. Each high school normal department shall offer at least a one-year course for the training of teachers. The entrance requirements of such departments shall be fixed by the superintendent of public instruction. Such departments may offer short courses during the school year but shall not offer summer courses unless practice departments are maintained during such courses.

Employment of director and instructors. Salaries.

Sec. 7654-3. Each normal department shall employ a director and such other instructors as the superintendent of public instruction may prescribe. Such director and instructors shall be employed on the nomination of the county superintendent. No director or instructor in any normal training department shall be paid less than seventy-five dollars per month.

Practice division may be maintained.

Sec. 7654-4. Each normal department may maintain a practice division and shall be authorized to arrange with different boards of education for observation and practice teaching privilege in the rural schools under their control.

Board of education shall receive state aid not to exceed $1,000.

Sec. 7654-5. The board of education in any village or rural school district which maintains a normal training department approved by the superintendent of public instruction shall receive from the state, the cost of maintaining such department in a sum not to exceed one thousand dollars per annum for each school so maintained. Such amount shall be allowed by the auditor of state upon the approval of the superintendent of public instruction, but no payment by the state shall be made for work in such schools prior to January 1, 1915.

Department of efficiency, tests and survey by O. S. U. and other schools and colleges supported by the state.

Sec. 7654-6. There shall be established in the college of education of the Ohio State University and in each of the normal schools and colleges which are maintained either wholly or in part by state funds, a department of efficiency tests and survey. Such departments shall at the request of the superintendent of public instruction assist him in working out efficiency methods in school administration, and in conducting co-operative school surveys.

State normal schools authorized to maintain a model one-room rural school in certain districts. State aid.

Sec. 7654-7. Each of the state normal schools at Athens, Oxford, Bowling Green, and Kent shall be authorized to arrange with the boards of education of not more than six non-centralized rural districts to assume the management of a one one-room rural school in each district and maintain such schools as model one-room rural schools. Each state normal school which complies with the provisions of this section subject to the approval of the superintendent of public instruction shall receive $500 annually from the state for each of such schools when vouchers therefor have been approved by the superintendent of public instruction.

Election of officers; notice, expense.

Sec. 7860. The county teachers' institute, annually, shall elect by ballot, a president and a secretary. Such election of officers shall be held during the session of such institute and at a time fixed by the county board of education. At least three days' notice of the election shall be given the members of such institute by posting conspic-

uously in the room, where the institute is held, a notice of the time and place of holding it, and of the officers to be voted for. The expenses of conducting such institute shall be paid out of the county board of education fund upon the order of the president of the county board of education.

Report by county superintendent.

Sec. 7865. Within five days after the adjournment of the institute, the county superintendent shall report to the superintendent of public instruction the number of teachers in attendance, the names of instructors and lecturers attending, the amount of money received and disbursed by the county board of education and such other information relating to the institute as the superintendent of public instruction requires.

County boards of education shall determine whether institute shall be held.

Sec. 7868. The teachers' institutes of each county shall be under the supervision of the county boards of education. Such boards shall decide by formal resolution at any regular or special meeting held prior to February 1st of each year whether a county institute shall be held in the county during the current year.

When boards of education shall pay teacher who attended summer school.

Sec. 7868-1. Each village and rural boards of education in counties in which no county institute has been held in any year, shall pay ten dollars to each teacher employed by such board, who has attended for at least six weeks during such year, a recognized summer school for the training of teachers.

Teachers may dismiss school to attend institute.

Sec. 7869. All teachers and superintendents of the public schools within any county in which a county institute is held while the schools are in session may dismiss their schools for the purpose of attending such institute.

Time institutes may remain in session.

The county boards of education shall decide the length of time county institutes may remain in session, in no case for longer period than five days. At least one day of such session shall be under the immediate direction of the county superintendent who shall arrange the program for such day.

Pay for attending institute.

Sec. 7870. When a teachers' institute has been authorized by the county board of education the boards of education of all school districts shall pay the teachers and superintendents of their respective districts their regular salary for the week they attend the institute upon the teachers or superintendents presenting certificates of full regular daily attendance, signed by the county superintendent. If the institute is held when the public schools are not in session, such teachers or superintendents shall be paid two dollars a day for actual daily attendance as certified by the county superintendent, for not more than five days of actual attendance, to be paid as an addition to the first month's salary after the institute, by the board of education by which such teacher or superintendent is then employed. In case he or she is unemployed at the time of the institute, such salary shall be paid by the board next employing such teacher or superintendent, if the term of employment begins within three months after the institute closes.

When fund in city district to be paid into board of education fund.

Sec. 7873. If the board of a district does not provide for such institute in any year, it shall cause the institute fund in the hands of the district treasurer for the year to be paid to the treasurer of the county wherein the district is situated, who shall place it to the credit of the county board of education fund. The teachers of the schools of such district in such case, shall be entitled to the advantages of the county institute, subject to the provisions of sections seventy-eight hundred and sixty-nine, and seventy-eight hundred and seventy. The clerk of the board shall make the report of the institute required by section 7874.

Repeals.

SECTION 2. That original sections 7860, 7865, 7868, 7869, 7870, 7873, and sections 7861, 7862, 7866, and 7867 of the General Code be and the same are hereby repealed.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 17 G.

[House Bill No. 16.]

AN ACT

To amend sections 3203, 3204, 4763, 4782, 4784, 7582, 7600, 7602, and 7802 of the General Code, relating to school district funds.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3203, 3204, 4763, 4782, 4784, 7582, 7600, 7602 and 7802 of the General Code be amended to read as follows:

Annual division of rents of school lands.

Sec. 3203. When, after the payment of just claims and necessary expenses, there is money in the hands of the treasurer arising from the rents of school lands, at least once a year, the trustees shall meet at the office or residence of the treasurer, and make a dividend thereof among the several school districts, or parts of districts within the original township, on the basis of thirty dollars for each teacher, and the balance according to the average daily attendance in the schools of such districts, and upon the order of the trustees, the treasurer shall pay out such money.

Clerk of board shall furnish certified report of number of teachers and average daily attendance.

Sec. 3204. The clerk of the board of education of any district which, in whole or in part, is composed of territory within the bounds of an original township incorporated as herein provided, shall, on demand of the clerk of such township, furnish him a certified copy of the report of the number of teachers employed and the average daily attendance of pupils in the schools within the bounds of such original township in such school districts, and the dividend shall be made on the basis of such certified report.

Treasurer of the school funds.

Sec. 4763. In each city school district, the treasurer of the city funds shall be the treasurer of the school funds. In all village and rural school districts which do not provide legal depositories as provided in sections 7604 to 7608 inclusive, the county treasurer shall be the treasurer of the school funds of such districts.

When treasurer of school funds may be dispensed with.

Sec. 4782. When a depository has been provided for the school moneys of a district, as authorized by law, the board of education of the district, by resolution adopted by a vote of a majority of its members, shall dispense with a treasurer of the school moneys, belonging to such school district. In such case, the clerk of the board of education of a district shall perform all the services, discharge all the duties and be subject to all the obligations required by law of the treasurer of such school districts.

Where moneys placed when depository ceases to act.

Sec. 4784. If for any reason, a depository in such district ceases to act as custodian of the school moneys, they shall be placed in the custody of the treasurer of the city or county in which the school district is located as provided in section 4763. Such moneys shall be held and disbursed by the treasurer in all respects as required by law until another depository is provided for such moneys. Thereupon he shall place such money in the depository and his duties and obligations relating thereto shall then cease.

Apportionment of school funds by auditor of state.

Sec. 7582. The auditor of state shall apportion the state common school fund to the several counties of the state semi-annually, upon the basis of the enumeration of youth therein, as shown by the latest abstract of enumeration transmitted to him by the superintendent of public instruction. Before making his February settlement with county treasurers, he shall apportion such amount thereof as he estimates to have been collected up to that time, and, in the settlement sheet which he transmits to the auditor of each county, shall certify the amount payable to the treasurer of his county. Before making his final settlement with county treasurers each year he shall apportion the remainder of the whole fund collected, as nearly as it can be ascertained, and in the August settlement sheet which he transmits to the auditor of each county shall certify the amount payable to the treasurer of his county.

Sec. 7600. After each annual settlement with the county treasurer, each county auditor shall immediately apportion school funds for his county. The state common school funds shall be apportioned as follows:

Apportionment of school funds by county auditor.

Each school district within the county shall receive thirty dollars for each teacher employed in such district, and the balance of such funds shall be apportioned among the various school districts according to the average daily attendance of pupils in the schools of such districts. If an enumeration of the youth of any district has not been taken and returned for any year and the average daily attendance of such district has not been certified to the county auditor such district shall not be entitled to receive any portion of that fund. The local school tax collected from

District not entitled to funds if enumeration not taken.

the several districts shall be paid to the districts from which it was collected. Money received from the state on account of interest on the common school fund shall be apportioned to the school districts and parts of districts within the territory designated by the auditor of state as entitled thereto on the basis of thirty dollars for each teacher employed and the balance according to the average daily attendance. All other money in the county treasury for the support of common schools and not otherwise appropriated by law, shall be apportioned annually in the same manner as the state common school fund.

Apportionment when county line divides original surveyed township.

Sec. 7602. When an original surveyed township or fractional township is situated in two or more counties, and the land granted thereto by congress for the support of public schools has been sold, the auditor of the county to whose treasurer the interest on the proceeds of such sale is paid must apportion such interest to the counties in which such township is situated in proportion to the youth of the township enumerated in each. Such auditor shall certify to the auditor of each of the other counties the amount so ascertained to belong to the part of the township situated in his county, and transmit to the treasurer of each of such counties an order on the treasurer of his own county for such amount. The auditor of each county shall apportion the amount of such interest belonging to the part of the township in his county, to the districts or parts of districts entitled thereto as is provided for the apportionment of the state common school funds in section 7600, and certify and pay it to the proper school officers, as provided in section 7601.

District not entitled to school funds when enumeration not taken. Liability of clerk.

Sec. 7802. If an enumeration of the youth of a district be not taken and returned in any year, such district shall not be entitled to receive any part of the school funds distributable in that year. If such loss to a district occurs through the failure of the clerk of the board of education of a district to perform the duty required of him under section seventy-seven hundred and ninety-nine, he shall be liable to the district for the loss, which may be recovered in an action in the name of the state. The money so recovered shall be paid into the county treasury, and apportioned as the school funds so lost would have been apportioned.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original sections 3203, 3204, 4763, 4782, 4784, 7582, 7600, 7602 and 7802 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 18 G.

[House Bill No. 10.]

AN ACT

To supplement section 976 of the General Code by the enactment of supplemental sections 976-1, 976-2 and 976-3, to regulate and prohibit solid shooting in coal mines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 976 of the General Code be supplemented by the enactment of supplemental sections 976-1, 976-2 and 976-3 to read as follows:

Solid shooting prohibited without permit. Penalty.

Sec. 976-1. Whoever being engaged in the operation of a coal mine causes or permits any solid shooting to be done therein without having first obtained a permit to do so from the industrial commission of Ohio shall be fined in a sum not exceeding one hundred dollars.

How, when and by whom permit shall be issued.

Sec. 976-2. A permit to do solid shooting may be issued by the industrial commission of Ohio in the case of any mine when application shall be made therefor by the owner, lessee or person engaged in the operation thereof and by a majority of the miners employed therein, and when such industrial commission shall be satisfied that such method of blasting is necessary for the just and reasonably profitable operation of such mine. Such permit may be revoked at any time by said commission after sixty days' notice in writing to such owner, lessee or person operating such mine. Any person in interest who is dissatisfied with any order of said industrial commission made under the power conferred upon it by this section, may commence an action to set aside, vacate or amend such order in the same manner and for the same reason as other orders of such commission may be set aside, vacated or amended.

Revocation upon notice. Hearing.

Section held to be void does not affect other sections.

Sec. 976-3. Each section of this act is hereby declared to be an independent section and the holding of any section to be void or ineffective for any cause shall not be deemed to affect any other section thereof.

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OTHY S.
HOGAN,
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General.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 19 G.

[House Bill No. 6.]

AN ACT

To amend section 246 of the General Code, providing for the issuance of duplicate warrants in certain cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 246 of the General Code be amended to read as follows:

Duplicate warrants; when and how issued.

Sec. 246. Whenever it is made to appear to the satisfaction of the auditor of state, by affidavit or otherwise, that any warrant on the state treasury by him issued has been lost or destroyed prior to its presentation for payment, and there is no reasonable probability of its being found or presented, such auditor may issue to the proper person a duplicate of such lost or destroyed warrant, provided that before issuing such duplicate said auditor of state shall require of the person making such application a bond in double the amount of such claim, payable to the state of Ohio, with surety to the approval of said auditor and of the treasurer of state, and conditioned to make good any loss or damage sustained by any person or persons on account of the issuance of said duplicate and the subsequent presentation and payment of the original. The form of said bond is to be prepared by the attorney general and the bond when executed filed in the office of the treasurer of state. The duplicate warrant issued shall be plainly stamped or marked so that its character may be readily and easily ascertained, and in no event shall any liability attach to the treasurer of state on account of his paying any duplicate warrant issued under authority of this section.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 246 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 2nd, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 20 G.

[House Bill No. 2.]

AN ACT

To amend section 2269 of the General Code, relating to the publishing and distribution of the annual reports of the appointive state officers and boards.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 2269 of the General Code be amended to read as follows:

Copies authorized printed of reports of state officers and boards.

Sec. 2269. The annual reports of the appointive state officers and boards shall be printed as follows:

Adjutant general, eight hundred copies.

Superintendent of banks, one thousand copies.

Superintendent of public instruction, five thousand copies.

Agricultural commission, twenty-five hundred copies.

Commission for the blind, eight hundred copies.

State board of dental examiners, two hundred and fifty copies.

State fire marshal, one thousand copies.

State board of health, two thousand five hundred copies

State highway commission, two thousand copies.

Superintendent of insurance, as follows: life insurance, six hundred copies; fire insurance, two thousand copies; fraternal insurance, two hundred copies; building and loan department, one thousand copies.

State board of library commissioners, three hundred copies.

State inspector of oils, three hundred copies.

Supervisor of public printing, four hundred copies.

Ohio state university, five thousand copies.

Tax commission of Ohio, five hundred copies.

Superintendent of public works, three hundred copies.

Public utilities commission, seven hundred copies, each report to contain a railroad map of the state, in addition there shall be printed railroad maps on cloth paper to be mounted on rollers, for the commission five hundred and fifty copies; for general distribution by the secretary of state five hundred copies; for each member of the general assembly one hundred copies; in pocket edition form, for the commission one thousand copies; for the secretary of state for general distribution two thousand copies; and for each member of the general assembly two hundred copies. All maps to be delivered to the members of the general assembly on request to the secretary of state.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 2269 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 4th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 21 G.

[House Bill No. 12.]

AN ACT

To amend section 934 of the General Code, relative to emergency supplies which are to be kept for use at the mines.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 934 of the General Code be amended to read as follows:

Stretchers and other emergency supplies to be kept at mines. Duties of foreman.

Sec. 934. The owner, lessee or agent of a mine at, in, or around which, more than ten persons are employed, shall furnish for each thirty-five men so employed a properly constructed stretcher, a woolen blanket, a waterproof blanket, a sufficient quantity of bandages and linen and such other necessary requisites for use in case of accident as may from time to time be prescribed by the industrial commission of Ohio. At mines generating fire-damp so as to be detected by a safety lamp, a sufficient quantity of olive or linseed oil shall be kept for use in emergencies. It shall be the duty of each mine foreman to keep in a safe and dry place in the territory over which he has charge such stretchers, woolen and waterproof blankets and other supplies. He shall care for the same and keep them in dry and sanitary condition always ready for use.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 934 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 4th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 22 G.

[House Bill No. 15.]

AN ACT

To amend sections 7595 and 7597 of the General Code and add supplementary section 7595-1, relating to the salaries of teachers and aid to weak school districts.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7595 and 7597 of the General Code be amended and supplementary section 7595-1 be added to read as follows:

Sec. 7595. No person shall be employed to teach in any public school in Ohio for less than forty dollars a month. When a school district has not sufficient money to pay its teachers such salaries as are provided in section 7595-1, for eight months of the year, after the board of education of such district has made the maximum legal school levy, three-fourths of which shall be for the tuition fund, then such school district may receive from the state treasurer sufficient money to make up the deficiency.

Salary of teachers.

Sec. 7595-1. Only such school districts shall be eligible to receive state aid which pay salaries as follows:

School districts eligible to state aid.

(1) Elementary teachers without previous teaching experience in the state and with no professional training, forty dollars per month.

(2) Elementary teachers having at least six weeks professional training, forty-five dollars per month.

(3) Elementary teachers who have completed the full two years course in any normal school, teachers' college, college or university approved by the superintendent of public instruction, fifty-five dollars per month.

(4) High school teachers seventy dollars per month.

Sec. 7597. No district shall be entitled to state aid as provided in sections 7595, 7595-1 and 7596 unless the number of persons of school age in such district is at least twenty times the number of teachers employed therein, and the schools in such district are maintained at least eight months of the year.

Number of school age required to entitle district to state aid.

SECTION 2. That original sections 7595 and 7597 be and the same are hereby repealed.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 23 G.

[House Bill No. 34.]

AN ACT

To amend sections 6072, 6087 and 6091 of the General Code, relating to the duties of certain inspectors and to the assessment of the liquor traffic tax.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6072 and 6087 of the General Code be amended to read as follows:

Assessment a lien when; time of payment.

Sec. 6072. Such assessment, with any penalty thereon, shall attach and operate as a lien upon the real property on and in which such business is conducted, as of the fourth Monday of May of each year, and shall be paid at the times provided for the payment of taxes on real or personal property within this state, to-wit: one-half on or before the twentieth day of June, and one-half on or before the twentieth day of December of each year; provided, however, that such assessment, with any penalty thereon shall not attach and operate as a lien upon the real property aforesaid, if the business taxed and for which the assessment is paid, is conducted by a person, corporation or co-partnership without the knowledge or assent of the owner of said real property. Any person who traffics in intoxicating liquors as a beverage at retail shall not be entitled to any rebate or refunder under the liquor tax law without giving a bond in amount equal to twice the amount of such rebate or refunder, with securities acceptable to the county clerk that he will not traffic in intoxicating liquors without paying the liquor taxes provided by law; such bond shall be filed with the county auditor and certified to the state liquor licensing board.

When such assessment not a lien.

When and how rebate or refunder may be obtained.

Powers and duties of inspectors.

Sec. 6087. The inspectors appointed by the state liquor licensing board, in addition to any other duties, by personal visitation or otherwise, shall make investigations to secure the names of all persons, firms or corporations liable to such assessment or increased assessment, whose names are not already on the duplicate, and report such names to the state liquor licensing board. In the performance of the duties imposed by this section on the inspectors appointed by the state liquor licensing board, said inspectors may summon and compel the attendance of witnesses before them to testify in relation to any matter which by law is a subject of inquiry and investigation and require the production of any book, paper or document which they deem pertinent. They shall have authority to administer an oath to any person appearing as a witness before them. They may at all reasonable hours enter into all buildings and upon all premises within their jurisdiction for the purpose of examination.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original sections 6072 and 6087 of the General Code be and the same hereby are repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 24 G.

[House Bill No. 37.]

AN ACT

To amend section 1453 of the General Code, relating to the catching of carp.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1453 of the General Code be amended to read as follows:

Sec. 1453. German carp may be taken or caught at any time in the bays, rivers, marshes, estuaries or inlets bordering upon, flowing into or in any manner connected with Lake Erie, with any seine, having meshes not less than four inches, stretched mesh. Other nets or devices may be used if authorized by the agricultural commission. Written permission to catch carp in such waters shall be granted to any person making application to such commission. Such permission may be revoked by the commission upon conviction of the holder thereof for taking fish contrary to law.

Exception as to German carp.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 1453 of the General Code be, and the same is hereby, repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 25 G

[Senate Bill No. 8.]

AN ACT

To amend sections 7761-1, 7761-2, 7761-3, 7761-4, 7761-5 and 7761-6, and to repeal sections 7761-7 and 7761-8 of the General Code, relating to the teaching of agriculture in the public schools of Ohio.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7761-7 and 7761-8 of the General Code be repealed and that sections 7761-1, 7761-2, 7761-3, 7761-4, 7761-5 and 7761-6 be amended to read as follows:

Agriculture shall be taught in schools.

Sec. 7761-1. Agriculture shall hereafter be taught in all the common schools of all village and rural school districts of the state of Ohio, which are supported in whole or in part by the state, and may be taught in city school districts at the option of the board of education.

Agricultural districts, how composed and defined.

Sec. 7761-2. The state shall be divided into four agricultural districts to be mapped out, located and defined by the superintendent of public instruction. Such agricultural districts shall be made up and composed of counties which are contiguous and no county shall be divided in the laying out of such districts.

District supervisor; appointment.

Sec. 7761-3. The superintendent of public instruction shall superintend all agricultural education in the common schools of Ohio and shall appoint in each agricultural district, so mapped out and designated by him, a person who shall possess all the qualifications of a county superintendent, to be known as a district supervisor of agricultural education.

Sec. 7761-4. It shall be the duty of each district supervisor:

Duties.

(1) To co-operate with boards of education in mapping out courses of study in agriculture and related subjects.

(2) To visit each county teachers' institute in his district and give public instruction in the teaching of agriculture and related subjects.

(3) To co-operate with the State Agricultural Commission lecturing at the Farmers' Institutes and farmers' schools on agricultural subjects as they may be applied to the schools in the community.

(4) To encourage county agricultural societies in each county of his district in establishing school children's agricultural exhibits at each annual county fair.

(5) To assist the superintendent of public instruction in the standardization of the public schools.

(6) To make such reports to the superintendent of public instruction as the superintendent may direct on forms prescribed by the superintendent of public instruction.

Salary and traveling expenses.

Sec. 7761-5. Each district supervisor of agricultural education shall receive an annual salary, the amount of

which shall be fixed by the superintendent of public instruction, and his necessary traveling expenses not to exceed one thousand dollars ($1,000.00) per annum.

Dismissal of district supervisors.

Sec. 7761-6. Any district supervisor of agricultural education may be dismissed from office by the superintendent of public instruction for incompetency, immorality, or neglect of duty or who is or becomes interested financially or otherwise with any book publishing or book selling company, firm or corporation.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

Repeals.

SECTION 2. That original sections 7761-1, 7761-2, 7761-3, 7761-4, 7761-5, 7761-6, 7761-7 and 7761-8 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred February 3rd, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 26 G.

[Substitute Senate Bill No. 22.]

AN ACT

To amend section 1412 of the General Code, as amended in an act entitled "An act to protect certain game." (O. L. Vol. 103, page 167.)

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1412 be amended to read as follows:

Open season for game birds and water fowl.

Sec. 1412. No person within this state shall catch, kill, injure or pursue with such intent a Virginia partridge or quail, a Hungarian or gray partridge, a ruffed grouse, Mongolian pheasant, English pheasant, ring-necked pheasant or other pheasant, before the fifteenth day of November, 1915, or after that date except from the fifteenth day of November to the fourth day of December, both dates inclusive; a wild duck, wild goose, brant, or other wild water fowl, except from the first day of September to the fifteenth day of December, both dates inclusive; a wood duck before September first, 1918; a rail, coot or mud hen, or gallinule except from September first to November thirtieth, both dates inclusive; a black breasted plover, golden plover, Wilson or jack snipe, the greater and lesser yellowlegs except from the first day of September to the fifteenth day of December, both dates inclusive; a woodcock, except from October first to November thirtieth; a Carolina dove, except from the first day of September to the twentieth day of

October, both dates inclusive; but no person shall catch, kill, injure or pursue with such intent a wild duck or other wild water fowl on Sunday or Monday of any week, or shoot such wild duck or wild water fowl before sunrise or after sunset of any day during the time fixed herein when it shall be lawful to kill them; no person shall catch, kill, injure or pursue with such intent any game bird or game animal on any Sunday. The birds named in this section shall be known and classed as game birds in contradistinction to all other birds.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 1412 of the General Code, as amended (O. L. Vol. 103, page 167) be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 27 G.

[Senate Bill No. 17.]

AN ACT

To amend section 1946 of the General Code, relating to the compensation of the officers and employees of the Ohio soldiers' and sailors' orphans' home.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1946 of the General Code be amended to read as follows:

Compensation of officers and employees.

Sec. 1946. The compensation of the officers and employees of the home shall be fixed by the board of trustees of the Ohio Soldiers' and Sailors' Orphans' Home.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 1946 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 27th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 28 G.

[Senate Bill No. 11.]

AN ACT

To amend sections 9934, 9935, 9936, 9937, 9939, 9941 and 9942 and to supplement said section 9937 by enacting a supplemental section to be known as section 9937-a and to repeal sections 9938, 9940, 9944, 9945, 9946 and 9947 of the General Code relating to the organization and government of universities and colleges, and the election of trustees therein.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 9934, 9935, 9936, 9937, 9939, 9941 and 9942 of the General Code be amended and that section 9937 be supplemented by the enactment of section 9937-a to read as follows:

How certain boards may be constituted and governed.

Sec. 9934. The board of trustees of any university or college heretofore incorporated, or which may hereafter be incorporated, and operating under the patronage of one or more conferences or other religious bodies of any religious denomination, may accept the provisions of this and succeeding sections 9935, 9936, 9937, 9937-a, 9939, 9941, 9942 and 9943 by resolution adopted at any regular meeting of the board, and entered upon the record of its proceedings. After such acceptance the board in all respects shall be organized, constituted, regulated and perpetuated, pursuant to and under said provisions. No right acquired by any such board, university or college, under its charter or any law of this state, shall in any way be affected thereby.

Trustees to be divided into classes.

Sec. 9935. The president of such university or college shall, ex officio, be a trustee after the acceptance of the provisions of this act by any such university or college. At any meeting of such board after the passage of this act, such board shall divide its number, not including such president, into classes, making one class for each conference or religious body at the time patronizing such university or college, and one class for the alumni of such university or college and one class of trustees at large. No class shall have less than five members nor more than ten. Each conference or other religious body patronizing such university shall have the same number of trustees. The board of trustees of such university or college may designate the number of trustees to be assigned to the alumni association and to the class of trustees at large, but the combined number of trustees apportioned to said patronizing conferences or other religious bodies shall constitute not less than three-fifths of the entire board, not including the president.

Term of office of trustees; vacancies.

Sec. 9936. The regular term of office of such trustees shall be five years, but upon the original formation of classes of trustees one or more trustees may be elected for one, two, three and four-year terms until the regular order can be established. The term of office of an equal number of trustees in each class, as near as may be, shall expire

each year. Vacancies which occur in any class of trustees in any manner whatsoever except by expiration of time shall be filled only for the remainder of the term, but the term of office of a trustee shall not expire during any meeting of the board which does not continue for more than two weeks.

When board may be increased or decreased.

Sec. 9937. If the number of conferences or other religious bodies patronizing such university or college shall at any time be increased or decreased, the board of trustees of such university or college may re-classify said trustees of said bodies by an equal reduction of the number in each such class when a new conference or other religious body becomes a patronizing body and by an equal increase of the number in each such class when a conference or other religious body ceases to be a patronizing body. Whenever, by reason of a change in the number of patronizing conferences or religious bodies, it becomes necessary to re-classify the trustees in said board, the board (a lawful quorum being present) shall by appropriate resolution designate the number of trustees apportioned to each class and certify such apportionment to each patronizing conference or other religious body and to such alumni association, and all vacancies in such classes thereafter shall be filled in accordance with such apportionment.

The alumni association may elect one-fifth of board.

Sec. 9937-a. The alumni composing the alumni association of such university or college may elect as members of the board of trustees of such university or college, as many members of such alumni association as there are members of the class of alumni trustees assigned or apportioned to said alumni association by the board of trustees of such university or college, this class to constitute not less than one-fifth of the entire board, not including the president. This election shall be held under such regulations as the alumni association may prescribe and the result shall be certified by the proper officials of the alumni association to the board of trustees, which result shall be entered upon the records of said board. Such board of trustees composed of alumni trustees and trustees elected by patronizing conferences or other religious bodies, as provided in section 9935 to section 9937-a inclusive, may increase its own numbers by the election of a class of trustees at large, the number of which class shall be fixed by said board of trustees, under the limitations fixed by sections 9935 and 9937-a.

How a conference may become a patron.

Sec. 9939. Any conference or other religious body not patronizing any particular university or college may become a patronizing body upon invitation of the board of trustess of such university or college by a majority vote of the whole board. The intention to become such patronizing body shall be evidenced by the adoption of an appropriate resolution and certification of the same to the board of trustees of such university or college, and such certified resolution shall be entered upon the minutes of the board of trustees of such university or college thereby completing

the right of such conference or religious body to act as a patronizing body.

When right of representation shall cease.

Sec. 9941. If a conference or other religious body patronizing a university or college and having a representation in its board of trustees, ceases to exist, or ceases to patronize such university or college, the right of such conference or other religious body to such representation shall cease, and the board of trustees of such university or college shall apportion or distribute the number of trustees in such class to the remaining patronizing conferences or other religious bodies in order to maintain, as nearly as may be, the established number of trustees and equality of representation from each patronizing body.

Action must be taken by board.

Sec. 9942. Before a conference or other religious body represented in the board of trustees of such university or college shall cease to be represented in said board, the board of trustees shall declare and enter in the record of its proceedings that the conditions and contingencies terminating such representation have taken place.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Repeals.

SECTION 2. That said original sections 9934, 9935, 9936, 9937, 9938, 9939, 9940, 9941, 9942, 9944, 9945, 9946 and 9947 of the General Code, be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 27th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 29 G.

[Senate Bill No. 7.]

AN ACT

To amend sections 7753 and 7754 of the General Code and to add supplementary sections 7753-1, 7753-2 and 7753-3 relating to the inspection of high schools.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 7753 and 7754 be amended and supplementary sections 7753-1, 7753-2 and 7753-3 of the General Code be added to read as follows:

Appointment of high school inspectors.

Sec. 7753. The superintendent of public instruction shall appoint two competent public high school inspectors, who are connected with no college or university, two public high school inspectors selected from the faculty staff of the college of education of Ohio State University, and one public high school inspector from each of the faculties of

the Ohio normal colleges at Oxford and Athens and the Ohio normal schools at Kent and Bowling Green. The inspectors appointed by the superintendent of public instruction from the faculty staffs of the college of education, normal colleges and normal schools shall be nominated by the presidents of their respective institutions. The superintendent of public instruction may also appoint when necessary, competent instructors from any public or private school to inspect such high schools as the superintendent may direct.

Duties of high school inspectors.

Sec. 7753-1. The two public high school inspectors connected with no college or university shall give their entire time to the examination and inspection of public high schools in the state. The inspectors chosen from the faculty staffs shall devote a part of their time, not more than half, to public high school inspection. The superintendent of public instruction shall require all part time inspectors to inspect schools the first half of the year beginning August 1, or the last half of the year beginning February 1, or such other times as may be agreed by the superintendent of public instruction and the president of the institution nominating such inspector. The public high school inspectors shall confer with various authorities and assist the superintendent of public instruction in the classification of schools and in such other ways as he may direct.

Meeting for conference and direction: classification.

Sec. 7753-2. All public high school inspectors shall meet in Columbus at the call of the superintendent of public instruction for the purpose of conference and direction. They shall recommend to the superintendent of public instruction standards and official ratings for all the public high schools of the state, and the decision of the superintendent of public instruction as to the classification of such schools shall be final, but no public high school shall be recommended for rating except on a majority vote of the inspectors at a meeting called by the superintendent of public instruction who shall be ex-officio chairman of their meetings.

Compensation and expenses.

Sec. 7753-3. The high school inspectors giving full time shall be paid an annual salary, the amount of which shall be fixed by the superintendent of public instruction with the approval of the governor, and shall each receive his actual and necessary traveling expenses not to exceed eight hundred dollars per year. The half time inspectors shall receive a compensation, the amount of which shall be fixed by the superintendent of public instruction, and shall also receive their necessary and actual traveling expenses not to exceed four hundred dollars each, for each half year. Both compensation and expenses shall be paid upon vouchers signed by the superintendent of public instruction.

Reports of inspection.

Sec. 7754. All public high school inspectors appointed by the superintendent of public instruction shall furnish reports of all inspection of public high schools made by

them. The reports shall be in such form as the superintendent of public instruction may prescribe. Eight copies of the report of each inspection shall be made. Two copies shall be placed on file in the office of the superintendent of public instruction, one copy furnished to each of the institutions from which the half time inspectors are chosen, and one copy furnished to the school inspected.

The sectional numbers herein are in conformity to the General Code.

SECTION 2. That original sections 7753 and 7754 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed February 3rd, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 30 G.

[Senate Bill No. 5.]

AN ACT

To amend section 31 of the General Code, relating to official seals.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 31 of the General Code be amended to read as follows:

Engraving upon and dimensions of official seals.

Sec. 31. All official seals shall have engraved thereon the coat of arms of the state, as described in the preceding section.

The great seal of the state shall be two and one-half inches in diameter, and shall be surrounded by these words: "The great seal of the state of Ohio."

The seal of the supreme court shall be two and one-half inches in diameter, and shall be surrounded by the words: "The supreme court of the state of Ohio."

The seal of the court of appeals, of the common pleas court, and of the probate court of each county, shall each be one and three-fourths inches in diameter, and each, respectively, shall be surrounded by these words: "Court of Appeals.....county, Ohio"; "Common pleas court,.....county, Ohio"; "Probate court,.....county, Ohio." (Insert the name of the proper county.)

The seals of all other courts of record shall be of the same size as the seal of the common pleas court, and each, respectively, shall be surrounded by the proper name thereof.

The seal of the secretary of state shall be two and one-

fourth inches in diameter and shall be surrounded by these words: "The seal of the secretary of state of Ohio."

The seal of the auditor of state shall be one and three-fourths inches in diameter, and shall be surrounded by these words: "The seal of the auditor of state of Ohio."

The seal of the treasurer of state shall be one and three-fourths inches in diameter, and shall be surrounded by the words: "The seal of the treasurer of state of Ohio."

The seal of the superintendent of banks shall be one and three-fourths inches in diameter and shall be surrounded by the words: "The superintendent of banks of the state of Ohio."

The seal of each benevolent institution shall be one and three-fourths inches in diameter, and shall be surrounded by the proper name thereof.

The seals of all other state, county and municipal officers shall be one and three-fourths inches in diameter, and shall be surrounded by the proper name of the office.

The seal of a notary public shall not be less than one and one-fourth inches in diameter, and shall be surrounded by these words: "Notarial seal,.....county, Ohio." (Insert the name of the proper county.)

All the seals mentioned in this section shall contain the words and devices mentioned herein, and no other.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 31 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 29th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 31 G.

[Senate Bill No. 24.]

AN ACT

To amend section 1639 of the General Code so as to provide for the election of one of the common pleas judges of the First Judicial District as a judge of the court of common pleas, division of domestic relations, and to provide for assigning to him all juvenile court work and all divorce and alimony cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1639 of the General Code be amended to read as follows:

Courts having powers and jurisdiction under this chapter.

Sec. 1639. Courts of common pleas, probate courts, and insolvency courts and superior courts, where established shall have and exercise, concurrently, the powers and juris-

diction conferred in this chapter. The judges of such courts in each county, at such times as they determine, shall designate one of their number to transact the business arising under such jurisdiction. When the term of the judge so designated expires, or his office terminates, another designation shall be made in like manner.

Juvenile court defined.

The words, juvenile court when used in the statutes of Ohio shall be understood as meaning the court in which the judge so designated may be sitting while exercising such jurisdiction, and the words "judge of the juvenile court" or "juvenile judge" as meaning such judge while exercising such jurisdiction.

Provisions do not apply to Hamilton county; division of domestic relation and juvenile work.

The foregoing provisions shall not apply to Hamilton county, in which county the powers and jurisdiction conferred in this chapter shall be exercised by the court of common pleas, and in 1914 and every sixth year thereafter, one of the common pleas judges to be elected at said times shall be elected as a judge of the court of common pleas, division of domestic relation. To him shall be assigned all juvenile court work arising under this chapter, and all divorce and alimony cases, and whenever said judge of the court of common pleas, division of domestic relations, shall be sick, absent or unable to perform his duties, the presiding judge of the common pleas court shall assign another common pleas judge to perform his duties during his illness, absence or indisposition.

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 1639 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 32 G.

[Sub. Senate Bill No. 13.]

AN ACT

To amend section 12600-45 of the General Code relating to the construction of school buildings.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 12600-45 of the General Code be supplemented by the addition of a supplementary section to be known as section 12600-45a to read as follows:

Addition to school building exempt from provisions of 12,600-45.

Sec. 12600-45a. None of the provisions of section 12600-45 of the General Code shall prevent the construction of an addition to any school building two stories high or

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

less; such addition to be of the same construction and material as the original building whether it be of fireproof, composite or frame construction. Not more than one addition shall ever be added to any school building under the provisions of this section and the lower floor space of such addition shall in no case exceed twelve hundred square feet.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 33 G.

[Senate Bill No. 1.]

AN ACT

To amend section 24 of the General Code providing for the disposition of taxes, assessments, licenses, premiums, fees, penalties, fines, costs, sales, rentals and other moneys received for the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 24 of the General Code be amended to read as follows:

Fees and moneys to be paid into state treasury, weekly.

Sec. 24. On or before Monday of each week every state officer, state institution, department, board, commission, college, normal school or university receiving state aid shall pay to the treasurer of state all moneys, checks and drafts received for the state, or for the use of any such state officer, state institution, department, board, commission, college, normal school or university receiving state aid, during the preceding week, from taxes, assessments, licenses, premiums, fees, penalties, fines, costs, sales, rentals or otherwise, and file with the auditor of state a detailed, verified statement of such receipts. Where tuitions and fees are paid to the officer or officers of any college, normal school or university receiving state aid, said officer or officers shall retain a sufficient amount of said tuition fund and fees to enable said officer or officers to make refunds of tuition and fees incident to conducting of said tuition fund and fees. At the end of each term of any college, normal school or university receiving state aid the officer or officers having in charge said tuition fund and fees shall make and file with the auditor of state an itemized statement of all tuitions and fees received and disposition of the same.

Repeals.

SECTION 2. That said original section 24 of the General Code be and the same is hereby repealed.

SECTION 3. All sections and parts of sections of the General Code which provide for the custody, management and control of moneys arising from the payment to any state officer, state institution, department, board, commission, college, normal school or university receiving state aid of any fees, taxes, assessments, licenses, premiums, penalties, fines, costs, sales, rentals or other charges or indebtedness and which are inconsistent with the provisions of section 24 of the General Code as herein amended, are, to the extent of such inconsistency, hereby repealed.

SECTION 4. Immediately upon the taking effect of this act all moneys, checks and drafts in the possession of any state officer, state institution, department, board, commission or institution received for the state or for any such state officer, department, board or commission from the sources mentioned in section 24 of the General Code, as herein amended, shall be paid into the state treasury in the manner provided by said section.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred January 30th, 1914.
Approved February 17th, 1914.
JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 19th, 1914. 34 G.

[Senate Bill No. 26.]

AN ACT

To amend section 1637 of the General Code to take away the jurisdiction of the Insolvency Court of Hamilton county in divorce and alimony cases.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1637 of the General Code be amended to read as follows:

Sec. 1637. In addition to the jurisdiction now vested therein, courts of insolvency shall have jurisdiction, concurrent with that now or which may hereafter be vested in the court of common pleas of such counties, in the following matters:

Jurisdiction of courts of insolvency.

1. Allowing and issuing writs of habeas corpus and determining the validity of the detention of the persons brought before it on such writs;

2. Actions in which a receiver may be appointed under section 11894;

3. Actions for the dissolution of corporations;

4. Actions to enjoin the illegal levy of taxes and

assessments, or the collection of either, and to recover such taxes or assessments collected;

Replevin.

5. Actions in replevin brought by or against an assignee for the benefit of creditors, or for the recovery of assets assigned to an assignee for the benefit of creditors, actions to enforce the allowance of claims which have been disallowed by an assignee for the benefit of creditors, actions to declare void all acts intended to hinder, delay or defraud creditors, and actions to set aside assignments for the benefit of creditors.

6. Actions to dissolve co-partnerships, settle co-partnership accounts or compel accounting in co-partnership transactions;

7. Actions between claimants to property or money paid into court in appropriation proceedings;

8. Actions and proceedings in aid of executions;

Specific performance.

9. Actions to compel the specific performance of a contract for the sale of real estate, actions by municipal corporations to recover judgments against owners of property for unpaid assessments for street improvements, or to enforce the lien of such assessments, proceedings under the municipal code to assess damages on claims filed by owners of property, action by owners of property against municipal corporations for damages resulting from the establishment, or change, of the grade of streets and actions for divorce and alimony; except the court of insolvency in Hamilton county shall not have jurisdiction in actions for divorce and alimony after December 31st, 1914.

Exception as to Hamilton county.

Appeals.

10. Appeals may be taken to the court of appeals from orders, decrees and judgments, in such cases, and error may be prosecuted in the court of appeals in the manner and to the extent provided in such cases respectively when pending in the court of common pleas. All laws giving authority to issue injunctions, and regulating the practice in the common pleas court in such cases prescribing the form and effect of its orders, decrees and judgments, and authorizing and directing the execution thereof, shall be held to extend to the court of insolvency.

The sectional numbers herein are in conformity to the General Code.

SECTION 2. That said original section 1637 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

TIMOTHY S. HOGAN,
Attorney General.

Filed in the office of the Secretary of State February 19th, 1914. 35 G.

[Senate Bill No. 3.]

AN ACT

To regulate the weighing of coal at the mines.

Be it enacted by the General Assembly of the State of Ohio:

Section 978-1. SECTION 1. Every miner and every loader of coal in any mine in this state who under the terms of his employment is to be paid for mining or loading such coal on the basis of the ton or other weight shall be paid for such mining or loading according to the total weight of all such coal contained within the car (hereinafter referred to as mine car) in which the same shall have been removed out of the mine; provided, the contents of such car when so removed shall contain no greater percentage of slate, sulphur, rock, dirt, or other impurity than that ascertained and determined by the industrial commission of Ohio as hereinafter enacted.

Miners and loaders shall be paid according to total weight of coal.

Section 978-2. SECTION 2. Said industrial commission shall ascertain and determine the percentage of slate, sulphur, rock, dirt, or other impurity unavoidable in the proper mining or loading of the contents of mine cars of coal in the several operating mines within this state.

Industrial commission shall determine unavoidable impurity.

Section 978-3. SECTION 3. It shall be the duty of such miner or loader of coal and his employer to agree upon and fix, for stipulated periods, the percentage of fine coal commonly known as nut, pea, dust and slack allowable in the output of the mine wherein such miner or loader is employed. At any time when there shall not be in effect such agreed and fixed percentage of fine coal allowable in the output of any mine said industrial commission shall forthwith upon request of such miner or loader or his employer, fix such allowable percentage of fine coal, which percentage so fixed by said industrial commission shall continue in force until otherwise agreed and fixed by such miner or loader and his employer. Whenever said industrial commission shall find that the total output of such fine coal at any mine for a period of one month during which such mine shall have been operating while the percentage of fine coal so fixed by said industrial commission has been in force, exceeds the percentage so fixed by it, said industrial commission shall at once make, enter and cause to be enforced such order or orders relative to the production of coal at such mine, as will result in reducing the percentage of such fine coal, to the amount so fixed by said industrial commission.

Agreement between miners and employer as to percentage of fine coal.

How determined in absence of agreement.

Section 978-4. SECTION 4. Said industrial commission shall, as to all coal mines in this state, which have not been in operation heretofore, perform the duties imposed upon it by the provisions hereof.

Mines not heretofore in operation.

Section 978-5. SECTION 5. Said industrial commission shall have full power from time to time, to change, upon investigation, any percentage by it ascertained and determined, or fixed, as provided in the preceding sections hereof.

Commission may change percentage.

Section 978-6. Coal shall not be passed over screen to determine. Penalty.

SECTION 6. It shall be unlawful for the employer of a miner or loader of the contents of any car of coal to pass any part of such contents over a screen or other device, for the purpose of ascertaining or calculating the amount to be paid such miner or loader for mining or loading such contents, whereby the total weight of such contents shall be reduced or diminished. Any person, firm or corporation violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction, shall be fined for each separate offense not less than three hundred dollars nor more than six hundred dollars.

Section 978-7. Loading greater percentage of impurity than determined, prohibited; penalty.

SECTION 7. A miner or loader of the contents of a mine car, containing a greater percentage of slate, sulphur, rock, dirt or other impurity, than that ascertained and determined by said industrial commission, as hereinabove provided, shall be guilty of a misdemeanor and upon conviction shall be punished as follows: for the first offense within a period of three days he shall be fined fifty cents; for a second offense within such period of three days he shall be fined one dollar; and for the third offense within such period of three days he shall be fined not less than two dollars nor more than four dollars. Provided, that nothing contained in this section shall affect the right of a miner or loader and his employer to agree upon deductions by the system known as docking, on account of such slate, sulphur, rock, dirt or other impurity.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Concurred February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 36 G.

AN ACT

[House Bill No. 38.]

To amend section 1 of "An act to authorize county commissioners, township trustees, boards of education, road commissioners, councils of municipal corporations and boards and officers thereof temporarily to repair, reconstruct and replace public property and public ways destroyed or injured by floods occurring in March and April, 1913; to authorize county commissioners and councils of municipal corporations to borrow and expend money for the purpose of cleansing public places and private grounds and buildings and removing therefrom any matter deposited therein by said flood which is inimical to the public health, safety or convenience; and to exempt proceedings for the permanent repair, reconstruction and replacement of such public property and public ways, and bonds issued and levies made for such purposes from certain requirements and limitations" (103 Ohio Laws 141), relating to expenditures rendered necessary by floods.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Section 1 of "An act to authorize county commissioners, township trustees, boards of education, road commissioners, councils of municipal corporations and boards and officers thereof temporarily to repair, reconstruct and replace public property and public ways destroyed or injured by floods occurring in March and April, 1913; to authorize county commissioners and councils of municipal corporations to borrow and expend money for the purpose of cleansing public places and private grounds and buildings and removing therefrom any matter deposited therein by said flood which is inimical to the public health, safety or convenience; and to exempt proceedings for the permanent repair, reconstruction and replacement of such public property and public ways, and bonds issued and levies made for such purposes from certain requirements and limitations" (103 O. L. 141), be amended to read as follows:

Local authorities empowered to make expenditures rendered necessary by flood, March and April, 1913.

Sec. 1. The commissioners of any county or any road district, the board of education of any school district, the council of any municipal corporation or the trustees of any township, are hereby empowered to authorize or enter into contracts temporarily to repair, reconstruct or replace any public property or public way which such commissioners, council or trustees are authorized to repair, reconstruct or construct under any general law of this state, if such public property or public way has been destroyed or injured by floods occurring in March, April and July, 1913, and if urgent public necessity exists for the making of such temporary repair, reconstruction or replacement; and to appropriate money, levy taxes, borrow money or issue bonds for such purposes. None of the provisions of the General Code requiring notice of any like repair or improvement to be given, imposing any limitation upon the time within which like contracts may be entered into or authorized; requiring competitive bidding in entering into like contracts; requir-

ing the issuance by the auditor or clerk of a certificate that the money for such contracts is in the treasury or in process of collecting, unappropriated for any other purpose; requiring ordinances for like purposes to be published; requiring the submission of propositions to make like repairs or to reconstruct or construct like public improvements, property or way, or to expend money or levy taxes therefor to a vote of the electors; or subjecting any ordinance or resolution making any such contract or authorizing the same to be made, to a referendum of the electors, shall in any way apply to or govern proceedings for entering into or authorizing such contracts, or appropriating money therefor. Directors of public service or safety in cities shall not be required to advertise for competitive bids in entering into any contract authorized by this section.

Application to common pleas court when amount exceeds $500.

Provided, however, before any such contract for temporary repair, reconstruction or replacement involving an expenditure of more than five hundred dollars is authorized or entered into, such commissioners, board or council shall apply to the common pleas court of the county, or of any county in which any part of any such school district, road district or municipal corporation is located, or to any judge thereof. Such application shall set forth the nature of the repair, reconstruction or replacement proposed to be made, and the amount of money proposed to be expended upon each building, plant, sewer, aqueduct, reservoir, water mains (including water pipes connected therewith), apparatus, levee, embankment, street, alley, bridge, culvert, viaduct, or approach thereto, or to any of them, or upon each like public improvement or public way, and the necessity thereof. Such court or judge shall forthwith hear and finally determine such application, and if it is found that such public necessity exists, that the proposed repair, reconstruction or replacement is temporary in its nature and should be made forthwith, and that the amount of money proposed to be expended therefor is reasonable and justified by such necessity, said court or judge shall allow the application, and board of officers so applying shall be authorized to proceed in the manner provided in this section.

Authority to make regular levies not impaired.

This section shall not be so construed as in any way to restrict or impair the authority of any of the officers mentioned therein under any of the general laws of the state, nor to authorize any of them to refuse to make the regular levies under the provisions of such laws for road and bridge funds.

SECTION 2. That original section 1 (103 O. L. 141) is hereby repealed.

Emergency act.

SECTION 3. This act is hereby declared to be an emergency act and its enactment is necessary for the immediate preservation of the public safety and peace. The necessity therefor lies in the fact that the public safety,

This act is temporary and does require sectional numbering in the General Code. TIMOTHY S. HOGAN, *Attorney General.*

peace and welfare require that certain restrictions as to tax limitations be temporarily removed where public property was damaged by floods.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 37 G.

[House Bill No. 5.]

AN ACT

To grant additional powers to banking corporations organized under the laws of Ohio and to amend section 9764 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 9796-1. Terms "state bank" and "federal reserve act" defined.

SECTION 1. Wherever the term "state bank" is used in this act, the said term shall be held to include every corporation or association having the power to receive, and receiving money on deposit, chartered or incorporated under any general or special law of Ohio, but shall not include building and loan associations; and wherever the term "Federal Reserve Act" is used in this act the same shall be held to mean the act of the 63rd Congress of the United States, entitled "an act to provide for the establishment of federal reserve banks, to furnish an elastic currency, to afford means of rediscounting commercial paper, to establish a more effective supervision of banking in the United States, and for other purposes," approved by the president of the United States on December 23rd, 1913.

Section 9796-2. State bank may become a member bank of federal reserve act; rights, powers and privileges.

SECTION 2. Every state bank, in addition to the powers, rights and privileges possessed by it under the laws of Ohio shall have the right and power to become a member bank under the federal reserve act upon the terms and conditions set forth in said federal reserve act, or hereafter provided by law, in order to become a member bank as contemplated by said federal reserve act. Every state bank which becomes a member bank shall have the right and power to do everything required of or granted by said federal reserve act to member banks which are organized under state laws; and compliance by state banks with the reserve requirements of said federal reserve act shall be accepted in lieu of the reserve requirements provided by the laws of Ohio. Nothing contained in this section of this act shall in any way or manner affect or have reference

to state banks which do not become member banks under said federal reserve act except as provided in this act.

Section 9796-3.

State or national banks shall not act as administrator, executor, etc.; exception.

SECTION 3. No state bank or national bank shall act as administrator, executor, trustee or registrar of stocks and bonds in this state. Provided, however, that trust companies organized under the laws of Ohio shall have the same powers in the acceptance and execution of trusts which are now conferred upon them by law, and other state banks and national banks may have the same powers in the acceptance and execution of trusts which are now conferred by law upon trust companies, upon such state banks and national banks complying with all the requirements, regulations and conditions imposed by the laws of Ohio upon trust companies in the matter of the acceptance and execution of trusts.

SECTION 4. That section 9764 of the General Code be amended to read as follows:

Reserve fund of savings banks.

Sec. 9764. Savings banks shall keep as reserve at least ten per cent. of their time deposits, and at least fifteen per cent. of their demand deposits; at least six per cent. of that part of such deposits which is payable on demand, and at least two per cent. of that part of such deposits which are time deposits shall be kept in the vaults of the bank in lawful money, national bank notes, or bills, notes, and gold or silver certificates issued by the United States; not more than three-tenths of such reserve for time deposits may be invested in the securities named in paragraphs "b" and "c" of section 9758 of the General Code or the bonds of any city or county within this state; that part of such reserve not so kept or invested, shall be kept, subject to demand in other banks or trust companies, as designated by resolution of the board of directors for that purpose, a copy of which, upon its adoption, shall be forthwith certified to the superintendent of banks and the depositary thus designated shall be subject to the approval of the superintendent of banks. If the superintendent of banks withholds his approval, appeal may be made in the manner provided in section 9759 of the General Code.

SECTION 5. That said original section 9764 of the General Code be, and the same is hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 38 G.

[House Bill No. 33.]

AN ACT

To amend an act entitled "An act providing for enlarging and extending the jurisdiction of the police court of Cincinnati and changing the name of said court to a municipal court" (103 O. L. 279), by amending sections 12, 15, 16, 30, 35, 43 and 45 of said act, and by repealing section 20 of said act.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 12, 15, 16, 26, 30, 35, 43 and 45 of an act entitled "an act providing for enlarging and extending the jurisdiction of the police court of Cincinnati and changing the name of such court to the municipal court of Cincinnati" (103 Ohio Laws, page 279), be amended to read as follows:

section 1558-12. Sec. 12. Civil actions and proceedings in the municipal court shall be commenced by filing a bill of particulars upon which summons or writ shall be issued by the clerk. The form of the summons or writ shall be prescribed by rule of court, except as herein otherwise provided. Commencement of civil actions.

1. All writs and process in the municipal court shall be served and returned by the bailiff, or by publication in the same manner as is now, or may hereafter be, provided by law for the service and return of writs and process of a police court, or a justice of the peace unless otherwise provided herein.

In addition to the foregoing methods of service and return of writs and process the judges may by rule provide for the service and return of writs or process by registered mail, and when provision for service by mail is so made, a return of the bailiff that a true copy of a writ or process was deposited in the mail shall be proof of residence service at the address on the envelope containing such writ or process; provided that such address be the correct residence address of the party to be served, and that a register receipt showing that such writ or process has been delivered, accompanies the return of the bailiff; provided further that any person requesting service by bailiff shall be entitled thereto.

2. The return day shall be fixed by rule of court not later than seven days after issuance and the summons or writs shall, unless accompanied with an order to arrest, be served at least three days before the time of appearance.

3. In all civil cases in the municipal court the plaintiff shall file a bill of particulars and the defendant shall file a statement of any setoff or counterclaim he may desire to assert. A statement of defense shall be filed in such cases and within such time as may be required by rule of court. In cases where a statement of defense is required the summons shall set forth the date when such statement shall be filed, as fixed by rule of court, which shall be not less than five days after the return day of the summons.

The bill of particulars and statement shall set forth in plain and direct language the facts constituting the cause of action, setoff, counterclaim, or defense.

4. To expedite the business and promote the ends of justice the judges may from time to time adopt, publish, and revise rules relating to the matters of practice and procedure, classify the causes of action in the court, and prescribe with reference to each class the degree or particularity with which cause of action, setoff, counterclaim, or defense, shall be set up.

Section 1558-15. Jury, number and qualifications.

Sec. 15. All civil actions in the municipal court shall be tried to the court unless, before the court shall proceed to inquire into the merits of the cause, a jury shall be demanded by either party to the action. In all civil actions where a jury is demanded, it shall be composed of six men having qualifications of electors. In all actions and proceedings, other than civil actions and proceedings, of which police courts in cities or municipal court of Cincinnati have or may hereafter be given jurisdiction, the jury shall be composed of twelve men having the qualifications of electors. In all civil actions the jury shall return a verdict when five or more of their number concur.

Section 1558-16. Jurors' fees.

Sec. 16. In all actions and proceedings the cost of summoning jurors and the fees of jurors shall be paid out of the treasury of the city of Cincinnati, and each juror shall receive one dollar for each day of actual service.

Proceedings in error.

Sec. 26. Proceedings in error may be taken to the court of common pleas of Hamilton county, from a final judgment or order of the municipal court of Cincinnati in the same manner and under the same conditions as provided by law for proceedings in error from the court of common pleas to the court of appeals, of Hamilton county. In civil cases in which a judgment of more than three hundred dollars has been granted, or being prayed for has not been granted, proceedings in error from a final judgment or order of the court of common pleas of Hamilton county, upon a petition in error from such final judgment or order of the municipal court to the court of common pleas of Hamilton county, may be had as in other cases originating in said court of common pleas, to the court of appeals of Hamilton county. The review of all cases other than civil actions and proceedings, shall be had in the manner provided for review of civil actions and proceedings in which a judgment for more than three hundred dollars has been granted. There shall be no appeal to the court of appeals of Hamilton county, from the court of common pleas of Hamilton county, in any action or proceeding brought on review from the municipal court of Cincinnati, to the court of common pleas of Hamilton county.

Section 1558-30. Powers and duties of clerk.

Sec. 30. The clerk of the municipal court shall have power to administer oaths, and take affidavits and to issue executions upon any judgment rendered in the municipal court, including a judgment for unpaid costs; he shall have power to issue and sign all writs, process and papers issuing

out of the court, and to attach the seal of the court thereto; shall have power to approve all bonds, recognizances and undertakings fixed by any judge of the court or by law; shall file and safely keep all journals, records, books and papers belonging or appertaining to the court, record its proceedings and perform all other duties which the judges of the court shall prescribe, and all other duties heretofore enjoined upon the clerk of the police court by section 3056 of the General Code. He shall pay over to the proper parties all moneys received by him as clerk; he shall receive and collect all costs, fines and penalties; and shall pay all costs and subject to the provisions of section 3056 of the General Code, the balance of such fines and penalties monthly to the treasurer of the city of Cincinnati and take his receipt therefor, but money deposited as security for costs shall be retained by him pending the litigation; he shall keep a book showing all receipts and disbursements, which shall be open for public inspection at all times; and shall on the first Monday of each term of court make to the city auditor a report of all receipts and disbursements for the preceding term. He shall succeed to all and shall have all the powers and perform all the duties of police clerks, and as to the selection of the deputy clerks, he shall have the power to appoint a chief deputy and such number of other deputies and assistants as shall be designated from time to time by the council of the city of Cincinnati as hereinafter provided.

Section 1558-35. Appointment of deputy clerks, bailiff and deputies.

Sec. 35. Excepting the clerk, one deputy bailiff to be appointed by each judge, including the presiding judge, all deputy clerks, the bailiff and deputy bailiffs shall be appointed to their respective positions by the clerk. One deputy bailiff shall be appointed by each judge, including the presiding judge and be removed at the pleasure of the judge making the appointment. The bailiff shall be appointed by the clerk and hold office during the pleasure of the clerk and the deputy clerks and deputy bailiffs, other than those appointed by the judges, may be removed by the clerk in the manner provided by law for the removal of other municipal employees. The deputy clerks with the exception of the chief deputy and the deputy bailiffs with the exception of the deputy bailiffs to be appointed by the judges shall be appointed from eligible lists to be furnished by the municipal civil service commission of the city of Cincinnati. Every police officer of the city of Cincinnati shall be ex-officio a deputy bailiff of the municipal court and shall perform from time to time such duties in respect to cases within the jurisdiction of said court as may be required of them by said court or any judge thereof.

Section 1558-43. Abolishment of justices of the peace in Cincinnati township; constables.

Sec. 43. No justice of the peace in and for Cincinnati township shall hereafter have jurisdiction to issue any warrant or order of arrest or other criminal process. Hereafter there shall be no justice of the peace or constables elected in Cincinnati township; provided, however, that any justice of the peace now existing in Cincinnati township, whose

tenure of office has not been terminated by this act, may appoint not more than two constables in and for said township. Such constables so appointed shall hold their offices until January 1st, 1916, and shall give bond to the state of Ohio, for the faithful performance of their duties in the sum of one thousand dollars with sureties satisfactory to the justice of the peace so appointing them, and said bond shall be filed with the clerk of the council of said city of Cincinnati.

Said constables so appointed shall have all of the rights, powers and privileges, including the right to tax and receive fees, and shall also be subject to all the duties, responsibilities and liabilities that are now conferred or imposed upon constables generally by the laws of the state of Ohio.

Section 1558-45. Jurisdiction.

Sec. 45. Any judge of the municipal court shall have jurisdiction and authority; to administer an oath authorized or required by law to be administered; to take the acknowledgments of deeds, mortgages and other instruments of writing; and to solemnize marriages.

Act applies to pending cases.

SECTION 2. This act shall apply to all pending cases in said court except that proceedings in error in the court of appeals from the municipal court of Cincinnati pending at the time this act takes effect shall be disposed of under section 26 of said original act.

Repeals.

SECTION 3. That sections 12, 15, 16, 20, 26, 30, 35, 43 and 45 of an act entitled "an act providing for enlarging and extending the jurisdiction of the police court of Cincinnati and changing the name of such court to the municipal court of Cincinnati," be and the same are hereby repealed.

The sectional numbers on the margin hereof are designated as provided by law.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

TIMOTHY S. HOGAN, *Attorney General.*

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 39 G.

[Senate Bill No. 27.]

AN ACT

To authorize an investigation of the judicial system of Ohio and a report as to the best method of securing more speedy and less expensive administration of justice.

Be it enacted by the General Assembly of the State of Ohio:

Committee authorized to investigate the judicial system of Ohio.

SECTION 1. That the governor be and he is hereby authorized and requested to appoint a committee consisting of not less than six nor more than ten persons, one of whom

he may designate as chairman, for the purposes hereinafter named. Said committee shall investigate the causes of delay and expense in the administration of justice in civil and criminal actions in the courts of this state, the advisability of a more complete and efficient organization and unification of the judicial system, the simplification and modification of the laws and rules of procedure and practice, both civil and criminal, the advisability of enlarging or otherwise altering the jurisdiction and powers of the several courts, the expediency of permitting the examination of parties and witnesses at an early stage of judicial proceedings, and any and all other matters relevant to securing a more expeditious and less expensive administration of justice in actions at law, both civil and criminal, and to obviate the waste of judicial power. The committee shall report the result of its investigation together with its recommendations, to the governor on or before the first day of January, 1915. Such report shall be transmitted by the governor to the general assembly.

Expenses.

SECTION 2. No member of such committee shall be compensated for his services, but each member shall be paid his necessary and proper traveling expenses incurred in attending meetings, procuring information or in performing other duties incidental to the work of the committee.

Vacancies.

SECTION 3. The governor is hereby authorized to fill any vacancy which may occur in said committee. Said committee shall meet at the call of the chairman or any two members thereof.

Secretary.

SECTION 4. The clerk of the House of Representatives shall be the secretary of such committee and is authorized to employ the assistants in his department to help in the work of the committee. They shall receive no extra compensation for such services but may be allowed and paid their expenses incurred in the performance of any duties imposed on them by such committee.

How expense shall be paid.

SECTION 5. The expenses incurred by such committee for the purposes specified in this act shall be paid from the state treasury upon the warrant of the auditor of state when vouchers therefor have been duly signed. The committee shall designate one of its members whose duty it shall be to sign all vouchers for accounts made by the committee, and the auditor of state shall honor no voucher which is not so signed by such member.

Where meetings shall be held.

SECTION 6. The custodian of the hall of the House of Representatives is hereby authorized and directed to provide one of the committee rooms of the House for the meetings of such committee and the secretary of state and supervisor of public printing are directed and authorized to furnish the committee on requisition signed by the secretary with all stationery, supplies and equipment necessary for the proper discharge of its duties.

Access to public records.

SECTION 7. The committee shall have free access to all public records necessary for the carrying out of the duties

herein prescribed, and each member of the committee shall have the power to compel production of papers, books, accounts, documents and other evidence.

Appropriation.

This act is special and does not require a code number. TIMOTHY S. HOGAN, *Attorney General.*

SECTION 8. There is hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund not otherwise appropriated, not to exceed the sum of one thousand dollars, for the purposes herein specified.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th 1914. 40 S.

[House Bill No. 42.]

AN ACT

To provide for an investigation as to the condition of the finances of municipalities.

PREAMBLE.

WHEREAS, It is alleged that the rapid growth of our cities and the enlarged functions made necessary to protect the health, promote the welfare and insure the safety of their people have made increasing revenues for them absolutely necessary, therefor

Be it enacted by the General Assembly of the State of Ohio:

Committee to investigate finances of municipalities.

SECTION 1. That a special committee of five citizens be appointed by the governor to make a survey of the sources of the public income received by the state and the various political subdivisions thereof for the purpose of ascertaining if a more equitable distribution thereof may be practical. Such committee shall within ten days after its appointment meet in Columbus and organize by electing one of its members chairman. The director of the legislative reference department shall be secretary of such committee.

Powers and duties of committee.

SECTION 2. The committee is hereby authorized to subpoena witnesses and compel their attendance. Such witnesses may be required to produce any books or papers material to the inquiry, and to testify under oath. The committee shall keep a record of its proceedings and complete its investigations and make its report with such recommendations as it sees fit. Such report and recommendations shall be filed with the governor on or before Decem-

ber 1, 1914. The governor shall as soon thereafter as practicable transmit a copy of such report to both branches of the general assembly.

Equipment and supplies.

SECTION 3. That the supervisor of public printing and the secretary of state are hereby authorized and directed to furnish such committee, on requisition, with all proper supplies, stationery and equipment necessary for the proper discharge of their duties.

Expenses.

SECTION 4. No member of such committee shall be compensated for his service, but each member and the secretary shall be paid his necessary and proper traveling expenses incurred in attending meetings, procuring information or in performing other duties incidental to its work. All the expenses of the committee and secretary shall be paid by vouchers issued by the chairman of such committee upon the auditor of the state who shall draw warrants therefor upon the treasurer of the state.

SECTION 5. There is hereby appropriated out of any moneys in the state treasury to the credit of the general fund, not otherwise appropriated, the sum of one thousand dollars to be used in carrying out the purposes of this act.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 41 S.

[Senate Bill No. 28.]

AN ACT

To amend Section 29 of an act of the General Assembly of Ohio passed February, 1913, approved March 14, 1913, and filed in the office of the secretary of state of Ohio, March 18, 1913, entitled, "An act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employees and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79 of the General Code," (O. L. Vol. 103, p. 72).

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 29 of an act entitled, "an act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the col-

is act is cial and does ; require a le number. MOTHY S. HOGAN, torney General.

lection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employees and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68. 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79 of the General Code," passed February 26th, 1913, approved by the Governor March 4th, 1913, and filed in the office of the secretary of state March 17, 1913, be amended to read as follows:

Section 1465-76.

Sec. 29. But where a personal injury is suffered by an employee, or where death results to an employee from personal injury while in the employ of an employer in the course of employment, and such employer has paid into the state insurance fund the premium provided for in this act, or is authorized directly to compensate such employee or dependents by virtue of compliance with section 22 of this act, and in case such injury has arisen from the wilful act of such employer or any of such employer's officers or agents, or from the failure of such employer or any of such employer's officers or agents to comply with any lawful requirement for the protection of the lives and safety of employees, then in such event, nothing in this act contained shall affect the civil liability of such employer, but such injured employee, or his legal representative in case death results from the injury, may, at his option, either claim compensation under this act or institute proceedings in the courts for his damage on account of such injury; and such employer shall not be liable for any injury to any employee or his legal representative in case death results, except as provided in this section; and in all actions authorized by this section, the defendant shall be entitled to plead the defense of contributory negligence and the defense of the fellow servant rule; and, in all cases determined in court as authorized by this section, when a judgment is awarded the plaintiff, the court shall determine, fix and award the amount of fee or fees to be paid plaintiff's attorney or attorneys, any contract to the contrary notwithstanding.

Employer is liable who has paid into insurance fund when injury or death arises from wilful act of employer, at the election of employee or representative.

Every employee, or his legal representative in case death results, who makes application for an award, or accepts compensation from an employer who elects, under section 22 of this act, directly to pay such compensation waives his right to exercise his option to institute proceedings in any court, except as provided in section 43 hereof. Every employee, or his legal representative in case death results, who exercises his option to institute proceedings in court, as provided in this section, waives his right to any award, or direct payment of compensation from his employer under section 22 hereof, as provided in this act.

Application for award or acceptance of compensation waives right of action.

The term "wilful act," as employed in this section, shall be construed to mean an act done knowingly and purposely with the direct object of injuring another.

SECTION 2. That original section 29 of said act of the General Assembly of Ohio, passed February 26th, 1913, approved March 18th, 1913, filed in the office of the secretary of state March 14th, 1913, entitled "an act to further define the powers, duties and jurisdiction of the state liability board of awards with reference to the collection, maintenance and disbursement of the state insurance fund for the benefit of injured, and the dependents of killed employees and requiring contribution thereto by employers, and to repeal sections 1465-42, 1465-43, 1465-45, 1465-46, 1465-53, 1465-54, 1465-55, 1465-56, 1465-57, 1465-58, 1465-59, 1465-60, 1465-61, 1465-62, 1465-63, 1465-64, 1465-65, 1465-66, 1465-67, 1465-68, 1465-69, 1465-70, 1465-71, 1465-72, 1465-73, 1465-74, 1465-75, 1465-76, 1465-77, 1465-78, 1465-79, of the General Code," be and the same is hereby repealed. Repeal.

The sectional number on the margin hereof is assigned as provided by law.
TIMOTHY S. HOGAN, Attorney General.

C. L. SWAIN,
Speaker of the House of Representatives.

W. A. GREENLUND,
President of the Senate.

Concurred February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 42 G.

[House Bill No. 36.]

AN ACT

To authorize the county commissioners of Paulding county, Ohio, to reimburse the township trustees of Benton township in such county in a sum not to exceed thirteen hundred and seven dollars and thirty-seven cents for money spent in repairing culverts damaged by the flood of 1913.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. The board of county commissioners of Paulding county, Ohio, is hereby authorized and empowered to appropriate and order paid to the township trustees of Benton township, Paulding county, Ohio, out of any moneys in the county bridge fund not otherwise appropriated, a sum not to exceed thirteen hundred and seven dollars and thirty-seven cents. Upon such appropriation by the commissioners the county auditor is hereby authorized and directed to draw his warrant on the county

County commissioners Paulding county authorized to pay Benton township.

This act is special and does not require a code number. TIMOTHY S. HOGAN, *Attorney General.*

treasurer for such amount in favor of the treasurer of Benton township, Paulding county.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 43 S.

[House Bill No. 31.]

AN ACT

Relative to appropriating money for the assistance of weak school districts.

Be it enacted by the General Assembly of the State of Ohio:

Appropriation for aid of weak school districts.

SECTION 1. That there be and is hereby appropriated from any moneys raised or coming into the state treasury for the support of the common schools and not otherwise appropriated, to assist in the maintenance of weak school districts, the balance of former appropriation and the sum of eighty-five thousand dollars which shall be distributed by the auditor of state in accordance with the provisions of the act passed April 2, 1906, as amended April 18, 1913.

This act is special and does not require a code number. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 44 S.

[House Bill No. 35.]

AN ACT

To authorize the state armory board to accept a gift of land in the city of Marietta, Ohio, as the site of an armory building, and to erect thereon an armory.

WHEREAS, the state armory board desires to erect an armory building in the city of Marietta, Ohio, and has caused plans and specifications for such building to be made, and land in said city suitable for the erection of such armory building has been offered to the state of Ohio and said state armory board as a gift, and a deed conveying said land to the state of Ohio has been duly executed and tendered to

the state of Ohio and said state armory board, which deed conveys to the state of Ohio the full unincumbered fee simple title to said land except that, under legislation which can not be modified by the General Assembly of the state of Ohio, said land can not be used except for public purposes, and any building erected thereon must be occupied and used for some public purpose, such as the proposed purpose of a state armory building, for which reason the state armory board has not yet accepted said deed, and desires that the general assembly of the state of Ohio act upon the matter of the acceptance of said deed therefor.

Be it enacted by the General Assembly of the State of Ohio:

Authority to accept armory site at Marietta and erect building thereon.

SECTION 1. The state armory board is hereby authorized to accept, as the site for an armory building to be erected by it on behalf of the state of Ohio in the city of Marietta, Ohio, and to erect and maintain on such site said armory building, the following described land situate in the city of Marietta, county of Washington and state of Ohio, bounded and described as follows, to-wit:

Beginning at a point on Front Street where the southerly line of the lot deeded to the United States for the purpose of a Lock Tender's House intersects Front Street; thence from said point southerly along the westerly line of Front Street one hundred and eighty-five (185) feet; thence westerly on a line at right angles to Front Street to the Muskingum River; thence northerly along the east bank of the Muskingum River to a point where the southerly line of the property deeded to the United States for a Lock Tender's House intersects the Muskingum River; thence along the southerly line of said United States property to the place of beginning.

This act is special and does not require a code number. TIMOTHY S. HOGAN, *Attorney General.*

Approval of deed by attorney general.

Provided, however, that the deed conveying such site to the state of Ohio shall first be approved by the attorney general as conveying to the state of Ohio a sufficient title to the land included in such site for the purpose of using such land for any and all public purposes, including the erection and maintenance of an armory building.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 4th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 45 S.

[Senate Bill No. 23.]

AN ACT

To authorize township trustees to construct, rebuild and repair foot-bridges.

Be it enacted by the General Assembly of the State of Ohio:

Section 7562-1.

Trustees empowered to construct, etc., foot-bridges as means of access to schools.

SECTION 1. That the trustees of any township are authorized and empowered to construct, rebuild and repair foot-bridges across the rivers and streams in their respective townships when they may deem it necessary so to do in order to provide convenient means of access to the public schools of their said township by the pupils residing in the school district, wherein a public schoolhouse is located; but in no case shall the cost of the aforesaid construction, rebuilding or repair of any said foot-bridge exceed the sum of one thousand dollars.

Section 7562-2.

Submission of question as to tax levy to pay cost.

SECTION 2. Said township trustees are authorized to pay the cost of the construction, rebuilding or repair of such said bridges out of any funds unappropriated for any other purpose and in the township treasury. Should there be no funds in the township treasury available for the aforesaid purposes, then the said trustees are authorized and empowered to levy a tax for the purpose of procuring the necessary funds for the construction, rebuilding or repair of said bridges, which said tax shall be levied upon all of the taxable property in said twonship, and shall be certified, levied and collected in the manner prescribed by law for the certification, levy and collection of other township taxes, and the money so raised shall be paid over to the township treasurer and by him paid out on the order of the township trustees certified by the township clerk; provided, however, that said tax shall not be levied until the same has been approved by a majority of the qualified voters of said township voting at any election at which said question shall be submitted.

Section 7562-3.

Election.

SECTION 3. Said election shall be called at a regular meeting of the township trustees and shall be held within thirty days from the date of the resolution of the township trustees calling the same. Twenty days' notice of said election shall be given by the posting of notices thereof, by the township clerk, in ten public places of said township, and provisions for the holding of said election shall be made by the deputy state supervisors of elections upon receiving notice, from the clerk of the township, of the date and purpose of said election.

The sectional numbers on the margin hereof are designated as provided by law.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 46 G.

[House Bill No. 41.]

AN ACT

To provide for the appointment of one member of the tax commission of Ohio, and to so arrange that appointments to said commission may be hereafter made as provided in section 1465-1 of the General Code, passed June 2, 1911.

Be it enacted by the General Assembly of the State of Ohio:

Section 1465-1a.

Appointment of one member of tax commission; term.

SECTION 1. That within fifteen days after the passage of this act the governor is hereby authorized to appoint one member of the tax commission of Ohio, to serve for the term of three years, commencing at the expiration of the term now held by the incumbent whose term will expire the second Monday in February, 1914. And that thereafter appointments to said commission shall be made in compliance with section 1465-1 of the General Code.

Emergency act.

SECTION 2. The above act is hereby declared to be an emergency measure for the reason that the public welfare of the state demands the continuance of said commission with a full membership, with title to and terms of office unquestionable.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 47 G.

[House Bill No. 45.]

AN ACT

To authorize the county commissioners of any county to transfer funds for the purpose of providing a fund for the payment of mothers' pension.

Be it enacted by the General Assembly of the State of Ohio:

Section 1683-10.

County commissioners may transfer surplus to meet requirements of juvenile court.

SECTION 1. For the purpose of providing a sum which will meet the requirements of the juvenile court until the proceeds of the tax required to be levied under the provisions of section 1683-9 of the General Code, shall become available, any board of county commissioners may transfer from any surplus moneys in the county treasury to the credit of any fund therein to a fund for the use of the juvenile court under the provisions of sections 1683-2 to 1683-9, inclusive, of the General Code, the creation of which for such purpose is hereby authorized. The moneys so transferred shall be paid as provided in section 1683-9 of the

General Code, upon the order of the juvenile judge, under allowances made either before or after this act shall become effective.

Emergency act.

SECTION 2. This act is hereby declared to be an emergency law necessary for the immediate preservation of the public peace and health. The reason for such necessity lies in the fact that no levies for mothers' pension were made in the year 1913. As a consequence of which much suffering has ensued, the further continuance of which would be detrimental to the public peace and health; therefore, this act shall go into immediate effect.

The sectional number on the margin hereof is designated as provided by law. TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 48 G.

[House Bill No. 44.]

AN ACT

To authorize county commissioners to transfer funds for the purpose of paying orders for blind relief.

Be it enacted by the General Assembly of the State of Ohio:

Section 2967-2.

Transfer of funds authorized to pay orders for blind relief.

SECTION 1. The county commissioners of any county in which a levy for the relief of the needy blind was not made in the year 1912, or the year 1913, or both, shall, at any time prior to March 1, 1915, transfer from any surplus moneys in the county treasury to the credit of any fund therein an amount sufficient to pay all quarterly installments payable under outstanding orders for blind relief which have not heretofore been paid, or which may fall due after this act shall become effective and before March 1, 1915, or such part thereof as the available moneys so transferred may permit.

Section 2967-3.

Moneys shall be applied as provided in section 2967 General Code.

SECTION 2. All moneys coming into the treasury of any county to the credit of the blind relief fund therein under the provisions of section one of this act, and all moneys in the treasury of any county to the credit of the blind relief fund therein at the time when this act shall become effective shall be used as provided in section 2967 of the General Code, in making payments under blind relief orders outstanding at the time this act shall become effective, or thereafter issued, for all installments unpaid at the time when this act shall become effective or falling due thereafter and until March 1, 1915.

Emergency act.

SECTION 3. This act is hereby declared to be an emergency law necessary for the immediate preservation of the public peace and health. The reason for such necessity

lies in the fact that because of certain decisions of common pleas courts, and because of the enactment by the General Assembly of the act found in 103 Ohio Laws, 833, entitled "an act to create an institution for the relief of the worthy blind," the constitutionality of which has been seriously questioned, and which has been held unconstitutional, the holders of blind relief orders in many of the counties of the state have received nothing thereunder for many months. In several counties of the state no levies for blind relief were made in the year 1913, and in some counties no such levies were made in the year 1912; as a consequence of which much suffering has ensued, the further continuance of which would be detrimental to the public peace and health; therefore, this act shall go into immediate effect.

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MOTHY S. HOGAN, *torney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 49 G.

[House Bill No. 32.]

AN ACT

To amend sections 1079 and 1081 and to repeal section 1090 of the General Code, relating to the appointment of members of the agricultural commission.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 1079 and 1081 of the General Code be amended to read as follows:

Agricultural commission of Ohio; appointment, term, vacancies, removals.

Sec. 1079. There shall be an agricultural commission of Ohio and by that name the commission may sue and be sued. The agricultural commission shall consist of four members, three of whom shall be appointed by the governor with the advice and consent of the senate. The three members appointed by the governor shall be directly identified with agriculture or agricultural education, and not more than two of the members so appointed shall be of the same political party. Within thirty days from the time that this act shall take effect, the governor shall with the advice and consent of the senate appoint a member who shall serve two years, another who shall serve four years, and another who shall serve six years; and thereafter each member appointed by the governor shall be appointed and confirmed for a term of six years. Vacancies shall be filled in the same manner for unexpired terms. They shall be subject to removal as may be provided by law. The dean

of the college of agriculture of the Ohio state university shall be the fourth member of such commission and the governor of the state shall be ex-officio member thereof.

Governor ex-officio member.

Salary.

Sec. 1081. Each of the members of the agricultural commission of Ohio appointed by the governor shall receive from the state an annual salary of five thousand dollars payable in the same manner as other state officers are paid. Such dean of the college of agriculture shall receive an annual salary of five thousand dollars to be paid in the same manner as other members of the faculty of the university are paid, which salary shall be in full for all his services as member of such faculty and as member of such commission.

SECTION 2. That said original sections 1079, 1081 and 1090 of the General Code be and the same are hereby repealed.

Act does not affect term of present members.

SECTION 3. Nothing in this act shall be construed to curtail, extend or in any manner interfere with, the tenure or term of office of any of the members of such agricultural commission heretofore appointed under the provisions of said original section 1079.

The sectional numbers herein are in conformity to the General Code.

TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 4th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 50 G.

[House Bill No. 48.]

AN ACT

Relating to the organization and admission of mutual fire insurance companies and to repeal sections 630, 631, 632, 9525, 9526, 9528, 9538, 9550, 9551, 9552, 9553, 9557, 9558, and 9574 of the General Code.

Be it enacted by the General Assembly of the State of Ohio:

Section 9607-1.

Terms relating to corporations and associations defined.

SECTION 1. In this act, unless the context otherwise requires, "company" includes corporations and associations. "Domestic" designates companies organized under the laws of this state. "Foreign" designates companies organized under the laws of another state or territory. "Alien" designates companies organized under the laws of any country other than the United States, or some state, province or territory thereof. The terms "surplus" or "net assets" shall be deemed to mean funds and assets invested as required or permitted by the laws of the state, territory or district where the company is organized, in excess of all

liabilities including unearned premium reserve, but excluding from such assets all contingent liabilities of policyholders or members.

Section 9607-2. Domestic mutual company may transact the business of insurance.

SECTION 2. A domestic mutual company may be organized with such powers to transact the business of insurance as are, or may be, granted by law to stock fire insurance companies organized under the laws of this state.

Section 9607-3. Legal existence of company; power of original incorporators.

SECTION 3. The company shall have legal existence subject to the limitations prescribed in this act, from the filing of its articles of incorporation with the secretary of state, and the original incorporators shall have power to fix and call the first meeting and adopt by-laws which thereupon shall be filed with the superintendent of insurance, and to elect the first officers and directors who shall continue in office until the first annual meeting of the members.

Section 9607-4. Bond prerequisite to solicitation for insurance or acceptance of premiums.

SECTION 4. No such domestic company shall solicit applications for insurance, or accept premiums, until it has filed with the superintendent of insurance its bond (with sureties) in the sum of ten thousand dollars, conditioned upon the faithful accounting for all funds and property which it may receive or possess, nor until it has procured the certificate of the superintendent of insurance approving such bond and the sureties thereon. The premiums received on subscriptions for insurance shall be held by the company in trust for the respective subscribers until policies of insurance are issued to them.

Section 9607-5. When license to company shall be issued.

SECTION 5. No such domestic company shall issue policies or grant insurance until the superintendent of insurance has, by his license, authorized it to do so; and such license shall not be issued until applications for at least two hundred risks shall be subscribed, aggregating not less than five hundred thousand dollars insurance, and at least one year's premium upon each application shall have been collected in cash, and the company shall hold cash assets of not less than ten thousand dollars. The maximum amount of any single risk shall not exceed three times the average risk, or one-fourth of one per cent. of the insurance applied for, whichever is the greater.

Maximum amount of single risk.

Section 9607-6. Every policyholder a member.

SECTION 6. Except as otherwise provided by law, every policy-holder of a domestic mutual company shall be a member while his policy is in force, and entitled to one vote and no more.

Section 9607-7. Cash advance premiums.

SECTION 7. A domestic mutual company may, in its articles of incorporation, or in its by-laws, provide for a cash premium payable in advance and a contingent liability of the policy-holder of not less than one, nor more than ten times the cash premium in each policy, and may further provide for policies not exceeding on any one risk five per cent. of the company's assets, to be issued for cash premiums payable in advance without contingent liability of the policy-holder.

Section 9607-8. How by-laws may be amended relative to cash premiums.

SECTION 8. The by-laws of such company, relating to cash premiums or contingent liability affecting policies thereafter issued, shall not be amended except at a regular

or special meeting of the members, upon thirty days' notice of the proposed amendments duly mailed to the last known address of each member, and upon a two-thirds vote of the members present in person or by proxy.

Section 9607-9. When company may issue policy for cash premium.

SECTION 9. No such mutual company shall issue any insurance policy for a cash premium and without contingent liability until and unless it possesses surplus of at least two hundred thousand dollars. No such company shall provide for a contingent liability of less than three times the cash premium in the policy, until and unless it possesses surplus of at least twenty-five thousand dollars.

Section 9607-10. Stipulation or provision as to contingent liability.

SECTION 10. Every such mutual company shall set forth in every insurance policy which it issues upon a cash premium and contingent liability, either a stipulation of the contingent liability of the policy-holder or the provision in the article of incorporation or by-laws fixing the contingent liability. Such contingent liability shall cease with the expiration of the time for which a cash premium has been paid in advance, except for liability incurred during said time.

Section 9607-11. Investment of assets.

SECTION 11. No domestic mutual company shall invest any of its assets otherwise than as provided for the investment of assets of stock fire insurance companies, and in computing the assets, liabilities and surplus of such company, no contingent liability or unauthorized investments shall be considered.

Section 9607-12. Money advanced to company or cash guarantee fund not a liability or claim against company.

SECTION 12. Any director, officer or member of any domestic mutual insurance company, or any other person, may advance to such company any sum or sums of money necessary for the purpose of its business, or to enable it to comply with any requirement of the law, or as a cash guarantee fund. Such moneys, and such interest thereon as may have been agreed upon, not exceeding eight per centum per annum, shall not be a liability or claim against the company, or any of its assets, except as herein provided, and shall be repaid only out of the surplus earnings of such company; and no part of the principal thereof shall be repaid until the surplus of the company remaining after such repayment is equal in amount to the principal of the money so advanced. Such advancement and repayment shall be subject to the approval of the superintendent of insurance, provided that this section shall not affect the power to borrow money which any such company possesses under other laws. No commission or promotion expenses shall be paid by the company, in connection with the advance of any such money to the company, and the amount of any such unpaid advance shall be reported in each annual statement.

Section 9607-13. Expense shall not exceed forty per cent. of premium income.

SECTION 13. Subsequent to the first calendar year after organization, the expense of management of any such domestic company shall not exceed in any one calendar year forty per centum of its premium income in such year; provided that the income on policies issued on the premium note or assessment plan shall be computed according to the annual basic premium.

Section 9607-14. When company shall be deemed impaired; assessment.

SECTION 14. Except as otherwise provided by law, any domestic mutual company having a contingent liability, which is not possessed of assets above its unearned premium sufficient for the payment of incurred losses and expenses, shall be deemed to be impaired and shall make an assessment for the amount needed to pay such losses and expenses upon its members liable to assessment, in proportion to and within the limits of their several liabilities.

Section 9607-15. When impaired company may continue to issue policies.

SECTION 15. If the impairment be not more than twenty-five per cent. of such company's reinsurance reserve fund, computed according to law, the superintendent of insurance may permit it to continue to issue policies for such period as he may designate, not exceeding ninety days.

If such impairment be not restored within the period designated, or exceeds twenty-five per cent. of such reinsurance reserve, it shall be unlawful for the company to issue new policies until such impairment be restored and until authorized by the superintendent of insurance or by a court in a proper proceeding.

Section 9607-16. Record of the order for assessment.

SECTION 16. Such company shall cause to be recorded in a book kept for that purpose the order for such assessment, with a statement which shall set forth the condition of the company at the date of the order, the amount of its assets and of its deposit notes or other contingent funds liable to the assessment, the amount which the assessment calls for, and the particular losses or other liabilities which it is to provide for. The said record shall be made and signed by the directors who voted for the order, before any part of the assessment is collected, and any person liable to the assessment may inspect and take a copy of the same.

Liability of policy-holder.

Each policy-holder shall be liable to pay his proportional part of any assessments which may be laid by the company in accordance with law and his contract, on account of losses and expenses incurred while he was a member, if he is notified of such assessment within one year after the expiration or cancellation of his policy; and when an assessment is ordered, the directors shall forthwith cause written notice and demand for payment to be made upon each person subject thereto, by mail or personal service.

Section 9607-17. Petition to have court examine assessment and necessity therefor.

SECTION 17. If the directors by authority of statute make an assessment or call on the members for money, or vote that there exists a necessity for such assessment, or call, they or any person interested in the company as an officer, policy-holder of creditor may apply to a court of competent jurisdiction by a petition in the nature of a bill in equity, praying for the court to examine such assessment or call, the necessity therefor, and all matters connected therewith, and to confirm, amend or annul the assessment or call, or to order the same to be made as law and justice may require; but if an application is made by any party except the company, or a receiver, or the insurance superintendent, the court may decline to exercise jurisdiction thereof. If the directors unreasonably neglect to make an

assessment or call to satisfy an admitted or ascertained claim upon the company, any judgment creditor, or any person holding such claim, or the insurance superintendent, may make application to the court. Upon such application, if made by the directors, or upon an order of the court, if made by any other person, the directors shall set forth the claims against the company, its assets, and all other facts and particulars appertaining to the matter.

Notice to parties interested.

The court before which such application is filed shall order notice to be given by publication or otherwise to all parties interested, and upon the return thereof shall examine the assessment or call, and the necessity therefor, and all matters connected therewith. Any parties interested may appear and be heard thereon. All questions that arise shall be heard and determined as in other equity cases.

Hearing and report.

The application shall be referred to a master who shall appoint a time and place to hear all parties interested, and who shall give personal notice thereof in writing to the insurance superintendent, and through the post-office, so far as he is able, to all persons liable upon said assessment or call. The master shall hear the parties, and report upon the correctness of the assessment or call, and all other matters connected therewith. The court may confirm, amend or annul the assessment or call, or order one to be made; and may make such orders and decree as under all the circumstances justice and equity require. If the assessment or call is altered or amended, or one is ordered to be made, the directors shall forthwith proceed to vote the same in legal form, and the record of such vote shall be set forth in a supplemental bill or answer.

Effect of decree.

When an assessment or call has been so confirmed, ascertained or established, a decree shall be entered which shall be final and conclusive upon the company and all persons liable to the assessment or call, as to the necessity of the same, the authority of the company to make or collect the same, the amount thereof, and all formalities connected therewith. An assessment or call altered or amended by vote of directors and decree of the court thereon shall be binding upon all parties who would have been liable under it as originally made, and in all legal proceedings shall be held to be such original assessment or call. All such proceedings shall be at the cost of the company and in all cases the court may control the disposition of the funds collected under such proceedings.

When further collection may be stayed.

If the court finds that the net proceeds of any assessment or call will not be sufficient to furnish substantial relief to those having claims against the company, it may decree that no assessment shall be collected; and if, upon the application of the insurance superintendent or a member of the company, or of any person interested, the court is of the opinion that further attempts to collect an assessment then partially collected will not benefit those having claims against the company, it may stay the further collection of said assessment.

Section 9607-18. When trustees or directors personally liable.

SECTION 18. The trustees or directors of any such company shall be personally liable for any losses upon risks taken after the superintendent of insurance has issued his requisition to restore any deficiency in the assets and before such deficiency is restored. Provided that nothing herein shall be construed to require any mutual fire insurance company, now doing business on the premium note plan, to keep on hand any cash reinsurance reserve or funds invested in securities, other than their premium notes, when the premium notes amount in gross to three per centum of the amount at risk by the company.

Section 9607-19. Foreign company may be admitted to do business, when.

SECTION 19. A foreign mutual company, transacting the business of insurance, authorized in this act, on the mutual plan in accordance with the law of the state, territory or district in which it was organized, having the contingent liability, expressed in its policies or by premium notes, at least equal to that required of similar domestic companies, may be admitted to transact such business within this state upon complying with the laws applicable to it, when possessed of surplus amounting to one hundred thousand dollars, or, when such company has in force five million dollars of insurance in not less than four hundred separate risks, a surplus of at least fifty thousand dollars and amounting to not less than one-half of one per centum of the total amount of insurance in force.

Section 9607-20. Alien company admitted to do business, when.

SECTION 20. An alien mutual company, transacting the business of insurance authorized in this act on the mutual plan, in accordance with the laws of the country, state or province in which it was organized, may be admitted to transact such business within this state upon complying with the laws applicable to it, when its assets—invested according to the laws of the state where its assets are held in the United States, pledged for the payment of its liabilities in the United States—exceed its liabilities in the United States by two hundred thousand dollars.

Section 9607-21. When license of foreign or alien company may be revoked.

SECTION 21. Whenever the superintendent of insurance shall find that any foreign or alien mutual company, doing business in this state, does not have the qualifications required of such company for admission to this state, or that it has not complied with the law, he may revoke the license of such company to transact business in this state.

Section 9607-22. Every domestic, foreign or alien company shall contain the word "mutual," exception.

SECTION 22. The name of every such domestic, foreign and alien mutual company shall contain the word "mutual."

This section shall not apply to any company now licensed to do business in this state, whose name does not now contain the word "mutual," unless it does now, or hereafter shall, issue policies which are subject to contingent liability or assessment.

Section 9607-23. Company having similar name of another not permitted.

SECTION 23. No such domestic, foreign, or alien mutual company shall be permitted to transact business if its name is so similar to any name already in use by any company organized or doing business in the United States,

as to be confusing or misleading to the public, unless the company whose name is so similar shall consent thereto. The superintendent of insurance and secretary of state shall determine all questions respecting such similarity of names, and if they fail to agree, the attorney general shall determine whether any proposed name may be adopted or used.

Section 9607-24. Maintenance of unearned premium reserve.

SECTION 24. Every domestic, foreign and alien mutual company shall maintain an unearned premium reserve of fifty per centum of the cash premiums received and receivable on unexpired risks and policies running one year or less from date of policy, and a pro rata amount of all cash premiums received and receivable on all other unexpired risks and policies.

Section 9607-25. Retaliatory law shall not apply, when.

SECTION 25. No retaliatory law of this state, relating to insurance companies, shall apply to any such mutual company organized under the laws of any state which has a similar law exempting mutual fire insurance companies from the retaliatory laws of such state.

Section 9607-26. Laws applicable.

SECTION 26. The laws of this state governing corporations and the laws relating to insurance, to the extent they are now or hereafter may be applicable to any such mutual companies and not in conflict with the provisions of this act, are hereby made specifically applicable to such mutual companies.

Section 9607-27. Companies and associations not affected by this act.

SECTION 27. This act shall not affect any company now doing business within this state on the premium note plan, nor any mutual protective association now or hereafter organized or doing business under the provisions of Tit. IX, Div., III, Subdiv. II, Chap. 2 of the General Code or amendments thereof, unless such company or association elects to reorganize under the provisions of this act; provided also that the sections repealed by this act shall remain in force, so far as applicable, to any such company or association not so electing.

Repeals.

SECTION 28. Sections 630, 631, 632, 9525, 9526, 9528, 9538, 9550, 9551, 9552, 9553, 9557, 9558 and 9574 of the General Code are hereby repealed.

Section 9607-28. What companies held organized under laws of this state.

SECTION 29. Every mutual fire insurance company created by or organized under a general or special law of this state and doing business herein upon or without the premium note plan, which by its policy, by-laws or public statements of its financial affairs claims the benefit of the guarantee fund or the contingent liability of its policy-holders as provided for in this act, shall be held as having organized under the laws of this state now in force, and be governed by the portions thereof as applicable to such company.

Section 9607-29. Refusal to make report forfeits charter.

SECTION 30. Any mutual company which neglects to make and forward to the superintendent of insurance an annual report of its affairs, as required by law, or refuses to allow him free access to its books and papers, and to investigate its financial standing if organized under the laws of this state, shall thereby forfeit its charter, and the super-

The sectional numbers on the margin hereof are designated as provided by law.
TIMOTHY S. HOGAN, Attorney General.

intendent of insurance shall proceed without delay to bring its affairs to a close.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 51 G.

[Senate Bill No. 16.]

AN ACT

To authorize the governor of Ohio to execute a deed for lands within the city of Cleveland.

WHEREAS, In the year 1872, the city of Cleveland appropriated, for park purposes, lands within the city of Cleveland, bounded on the south by Summit Street, on the east by Erie Street, on the west by Seneca Street, and on the north by the waters of Lake Erie, excepting therefrom the right-of-way of the Lake Shore and Michigan Southern Railway Company and the right-of-way of the The Cleveland and Pittsburg Railroad Company; and

WHEREAS, Such lands have been, since 1872, used for park purposes by the city of Cleveland; and

WHEREAS, The city of Cleveland has, at great expense, made by filling out into the waters of Lake Erie about sixty (60) acres of land adjacent to such lands so appropriated, and to East Ninth Street (formerly Erie Street), and West Third Street (formerly Seneca Street); and

WHEREAS, The said land so made by filling has been constructed by the city of Cleveland without any expense to the state of Ohio, but wholly at the expense of said city of Cleveland; and

WHEREAS, It is desirable and necessary in the improvement of transportation facilities along the lake front of the city of Cleveland, that the title to this land made by the city of Cleveland, and the right to further fill out into Lake Erie to the harbor line established by the United States government in the year 1898, should be clear and free from cloud; now, therefore,

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That the governor of the state of Ohio be and he is hereby authorized and directed to execute and deliver to the city of Cleveland, in the name of and for and on behalf of the state of Ohio, a quit-claim deed or deeds for the following described real estate, to-wit:

Governor authorized to deed land in Cleveland.

Situated in the city of Cleveland, county of Cuyahoga and state of Ohio, and bounded and described as follows:

Northerly by the harbor line established by the United States government in the year 1898; easterly by the easterly line of East Ninth Street (formerly Erie Street) and the prolongation of said easterly line northerly to the harbor line established by the United States government in the year 1898; southerly by the northerly line of the right-of-way of the Lake Shore and Michigan Southern Railway Company; westerly by the westerly line of West Third Street (formerly Seneca Street) and the prolongation of said westerly line northerly to the harbor line established by the United States government in the year 1898.

This act is special and does not require a code number. TIMOTHY S. HOGAN, *Attorney General.*

Such deed or deeds shall be signed by the governor of the state of Ohio, counter-signed by the secretary of state, sealed with the great seal of the state of Ohio, and recorded by the auditor of state, as required by law.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed January 29th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 52 S.

[House Bill No. 40.]

AN ACT

To release the claim of the state against the Columbus Savings & Trust Company.

WHEREAS, The Columbus Savings & Trust Company is indebted to the state of Ohio on account of interest on public moneys; and the state has recovered a judgment against the said Columbus Savings & Trust Company in the common pleas court of Franklin county, Ohio in case No. 61,518 of said court, entitled "The State of Ohio, Plaintiff v. The Columbus Savings & Trust Company, Defendant," the amount of said judgment being $41,955.44 with interest thereon; and

WHEREAS, The state of Ohio through its department of banks took possession of the assets of the said Columbus Savings & Trust Company on February 26th, 1912, and has been since said date, and still is in possession thereof for the purpose of protecting the interests of the depositors therein as provided by the laws of the state of Ohio, and securing, if possible, the payment of their claims in full; and,

WHEREAS, The assets of the said Columbus Savings &

Trust Company have substantially all been converted into cash through the agency of said department of banks as aforesaid, and are insufficient in amount to permit the payment of the depositors thereof in full whether or not the claim of the state for interest as aforesaid is satisfied out of said assets; and,

WHEREAS, It is not deemed consistent with the policy of the state as embodied in its statutes relative to the inspection of banks that a proprietary interest of the state should be asserted to the detriment of the interests of the depositors of an insolvent bank in process of liquidation through the banking department of the state; now therefore,

Be it enacted by the General Assembly of the State of Ohio:

Claim of state against Columbus Savings and Trust Company released.

That the judgment of the common pleas court of Franklin county, Ohio, in favor of the state of Ohio in case No. 61,518 of said court, entitled "The State of Ohio, Plaintiff v. The Columbus Savings & Trust Company, Defendant" in the amount of $41,955.44 with interest, and all claim, right and title of the state of Ohio in and to said judgment and for and on account of interest on public moneys against said Columbus Savings and Trust Company be and the same is hereby released and disclaimed; and the attorney general is hereby authorized to enter satisfaction of said judgment on the records of the said court of common pleas in said action.

This act is special and does not require a code number.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.

W. A. GREENLUND,
President of the Senate.

Passed February 6th, 1914.
Approved February 17th, 1914.

JAMES M. COX,
Governor.

Filed in the office of the Secretary of State February 20th, 1914. 53 S.

[House Bill No. 53.]

AN ACT

To make sundry appropriations.

Be it enacted by the General Assembly of the State of Ohio:

Sundry appropriations.

SECTION 1. That the following sums, for the purposes herinafter specified, be, and the same are hereby appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appropriated, to be available to pay the liabilities herein below specified:

Sundry appropriations.

The Cleveland, Cincinnati, Chicago and St. Louis Railway Company, refund of special liquor traffic assessment	$152 46
The Lakeshore and Michigan Southern Railway Company, refund of special liquor traffic assessment	152 46
The Baltimore and Ohio Southwestern Railway Company, refund of special liquor traffic assessment	152 46
The Pennsylvania Railway Company, refund of special liquor traffic assessment	152 46
The Eaton Lighting Company, refund of corporation tax paid in error for the years 1902 to 1906, inclusive	220 50
F. G. & A. Howald, for carpet House of Representatives for 1911	75 95
Mader & Henry, funeral expenses for Vinton Gilmore	336 85
J. P. Smith, G. W. Perks, J. H. Boyd, W. J. Rohr and W. J. Winans, the sum of twelve hundred dollars each, as reimbursement in full of expenses incurred in connection with extraordinary services as members of a commission appointed by Governor Harmon under authority of an act entitled "An act to provide for the appointment of a commission to inquire into the question of employer's liability and other matters," passed May 10, 1910; such services not being contemplated by the terms of said act but rendered by said members at the request of Governor Harmon	6,000 00
For lighting dome of capitol	705 60
Mary C. Collins, executrix of the last will and testament of the late Peter J. Collins, deceased, member of the house of representatives of the eightieth general assembly, 1914 salary of said deceased member, to be paid on voucher issued by the speaker of said house when there shall have been returned to him the voucher for said salary issued to such decedent	1,000 00
Armstrong & Okey, for services rendered as official stenographers in the investigation of the referendum petitions on the Green, Kilpatrick and Warnes acts	590 75
State Board of Health, expenses of removing from Hartman building to Ohio State University	200 00

For rent and expenses of moving the traveling department of the state library..	$2,200 00	Sundry appropriations.
Harry Anderson, employee of Dayton State Hospital, permanently blinded by explosion of ammonia pipe at hospital, November 22, 1911	4,000 00	
W. J. Shipley, for work done and material furnished at Ft. Meigs Memorial	114 53	
Commissioners Ft. Meigs Memorial for necessary improvements	1,000 00	
The balance remaining unexpended in the fund appropriated for the erection of a memorial building in commemoration of the life and services of Col. William Jennings and his company of soldiers (103 O. L. 607), such balance to remain subject to all the terms and conditions of the original appropriation		
The balance remaining unexpended in the fund appropriated for the erection of a monument or memorial building at site of Ft. Amanda, Auglaize county, Ohio, (Vol. 103, page 607, O. L.) such balance to remain subject to all terms and conditions of original appropriations.		
General Baking Company, rebate of foreign corporation fee, paid on November 21, 1912	252 81	
To provide for paving the street in front of the state armory lot in Spencerville, Ohio	720 00	
To provide for the erection of a suitable memorial to the 97th O. V. I. in the National Park at Chattanooga, Tenn..	1,500 00	
This amount to be expended by an honorary commission of three persons to be appointed by the governor, such appointment not requiring to be confirmed by the Senate, who shall serve without compensation but may receive their necessary expenses.		
To provide for the publication of a history of Ohio in the civil war	1,500 00	
This amount to be expended under the direction of and by the Ohio Archaeological and Historical Society.		
For compensation to Ohio soldiers serving during the civil war under the provisions of senate joint resolution No. 76, adopted May 9, 1908	1,200 00	

Sundry appropriations.

Construction of cell blocks at the Ohio State Reformatory, Mansfield, Ohio....	$6,725 00
To provide for the state's share of the cost of straightening, widening and deepening the channel of the Rocky Fork Creek in Richland county.....	3,500 00

LEGISLATIVE COMMITTEES AND COMMITTEES CREATED BY ACT OF THE GENERAL ASSEMBLY.

Expenses of legislative committees, and expenses, uses and purposes of committee appointed under the provisions of an act entitled "An act to appoint a committee to revise the laws relating to public highways and to recommend changes in the existing laws." (103 O. L. 341).....	$9,000 00

GEOLOGICAL SURVEY OF OHIO.

Geological survey of Ohio.....	$760 48
Illustrations of specimens.....	150 00
To provide for the rental, use, maintenance and management of Longview Hospital, Hamilton county, Ohio, as is provided in 103 Ohio Laws at page 754 of said laws and entitled "An act to provide for the lease by the state of the Longview Hospital and other property in Hamilton county; for its use, maintenance and management, and the ultimate purchase thereof.....	32,000 00
Mid-Winter Fair Ohio State Fair Grounds..	1,500 00
This amount to be expended under the direction of the agricultural commission for the purpose of promoting the agricultural welfare of the state by holding a mid-winter fair and joint exhibition on the Ohio State Fair Grounds, by the various Agricultural societies and activities of the state.	

OHIO STATE UNIVERSITY.

Additional appropriation for extending tunnel heating system to botanical and zoological buildings.....	$7,653 00
Additional allowance for summer term.....	5,000 00
Grace Ackland Jansen, in full settlement for all claims for the death of her husband, Andrew M. Jansen. Said Andrew M. Jansen's death having been	

caused by an infection from glanders while in the employ of the Ohio State University	$3,750 00	Sundry appropriations.

PANAMA-PACIFIC INTERNATIONAL EXPOSITION.

Exposition commissioner for the purpose of installing, maintaining and exhibiting the live stock, agricultural products, resources and opportunities of this state at the Panama-Pacific International Exposition in San Francisco in the year 1915	$25,000 00

SECRETARY OF STATE.

Postage for railroad maps	$145 00
Postage for school survey reports	1,800 00

PRINTING COMMISSION.

Paper for printing school survey reports	$1,000 00

OHIO NATIONAL GUARD.

Private Charles V. Ewing, Co. H. 3rd Ohio Infantry, accidentally shot in back by Sergeant Harry E. Knoll, Co. H., 3rd Ohio Infantry	$500 00
Wallace S. Foulks, M. D., examination of thirty-eight recruits for Co. C., 8th Reg., O. N. G., mustered out November, 1910	38 00
Dayton, Covington & Piqua Traction Co., military transportation furnished in 1911 and 1912	63 70
Baltimore and Ohio Railway Co., transportation furnished to O. N. G. on military transportation requests to Gettysburg, Pa., and return	595 15
Reimbursement to Troop A., Riding Academy, loss of mare "Dolly"	254 96
Dr. J. G. Manhart, medical services rendered Private Berry, Co. L., 8th Infantry	42 75
C. J. Bricker, Orrville, Ohio, in full for damages for horses furnished during encampment at Strasburg, in August, 1906	200 00
Z. O. Sherwood, M. D., Geneva, Ohio, for services rendered Corporal Max Foster, Co. E, 5th Regiment, O. N. G.	12 00
Dr. F. E. Tibbetts, Geneva, Ohio, for services rendered to Corporal Max Foster, Co. E, 5th Regiment, O. N. G	63 00

Sundry appropriations.

Ellen Beach Hayward, for services nursing Corporal Max Foster, Co. E, 5th Regiment, O. N. G..... $108 00

Marie Thompson in full settlement of all claims for the death of her husband, LeRoy Thompson, while on strike duty as private in Company F, 8th Regiment, Ohio National Guard, said death occurring February 24th, 1913, at Akron, Ohio, as a result of exposure while on duty in the armory of the company during the strike of rubber workers at Akron..... 2,500 00

It is hereby provided that before a warrant on the treasury is drawn by the auditor of state, a trustee shall be appointed by the probate court of the county in which the said Marie Thompson is residing, and that the said trustee is hereby authorized to invest the said $2,500.00 in real estate for the benefit of the said Marie Thompson during her natural life; that at her death said real estate shall go and pass in fee to the heir, or heirs, of the body of LeRoy Thompson.

Landon & Stocking, Geneva, Ohio, for services as undertakers at the funeral of Corporal Max Foster, Co. E, 5th Regiment, O. N. G..... 99 00

Losses sustained by the members of the Essex Ship Company during tour of duty at Dayton, Ohio..... 500 00

Lieutenant Charles H. Milton, 5th Inf., Cleveland, injuries sustained at Dayton, Ohio, night of April 2nd and 3rd, 1913..... 2,000 00

Capt. Wade C. Christy, 5th Ohio Infantry, O. N. G., compensation for disability from flood services..... 750 00

ADJUTANT GENERAL.

Expenses of committee of three, Columbus to Jacksonville, Fla., and return to receive flag of the 76th O. V. I..... $250 00

OHIO ARCHAEOLOGICAL AND HISTORICAL SOCIETY.

For reprinting volumes one to twenty-one inclusive of the publications of the Ohio Archaeological and Historical Society..... $7,500 00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Sundry appropriations.

District superintendents	$135,000 00
County superintendents	44,000 00
Teachers training	22,000 00
State aid to weak school districts	10,000 00

COMMISSIONER OF PUBLIC PRINTING.

For printing railroad maps	$10,500 00

SHERMAN MEMORIAL ARMORY.

To the Ohio State Armory Board, the same to be used in the aid of the construction, enlarging and beautifying the Sherman Memorial Armory to be erected in the city of Lancaster, Fairfield county, and dedicated to the memory of General William Tecumseh Sherman	$10,000 00
Provided, however, that the above sum shall become payable only when the citizens of Lancaster shall have contributed the sum of five thousand dollars for the purpose of furnishing, beautifying and equipping said memorial building.	
To the McKinley Memorial Association of Niles, Ohio, the sum to be used in the aid of the construction of a memorial to be erected at the birthplace of William McKinley	5,000 00

OHIO UNIVERSITY.

New pipe line in tunnel from heating plant to university campus	$39,000 00
Steam fittings in training school for direct radiation	3,800 00
For addition to library	11,300 00

CITY OF COLUMBUS.

Repaving of High street from Broad to State in front of state ground	$5,000 00
Paving Eleventh avenue along State Fair Grounds	9,500 00
Cement walks on Eleventh avenue along State Fair Grounds	2,500 00

Sundry appropriations.

Clerk of court Lorain county, costs in case of the state of Ohio v. Lake Terminal R. R. Co., No. 10019, common pleas court, Lorain county, (costs incurred under attorney general Denman).....		$51 65
Burt F. Voorhees, Thomas E. Duncan and James Glenn, Coshocton, Ohio. Reimbursement for court costs and expenses incurred under order of court in State ex rel Voorhees et al. v. Cassingham, supreme court, No. 13869....		254 69
To be paid as hereinafter provided, subject to the approval of special auditing committee, upon presentation of vouchers and receipts showing payment of said Voorhees, Duncan and Glenn of all costs and expenses in said case.		
Harry J. Bradbury, services rendered and expenses incurred in connection with referendum matters from October 15, 1913, to November 15, 1913.....		479 75
George B. Okey, to balance fees allowed him by court as special master commissioner in the case of State of Ohio v. The Columbus Savings & Trust Co., No. 62826, Franklin county, court of common pleas.....		1,500 00
Clerk of courts, Wayne county: Interest from Feb. 5, 1912, to March 1, 1913, on judgment in the case of Yeisley, administrator v. Critchfield, No. 23665, judgment and costs having been heretofore paid in full.. Amount of said interest unpaid.....	$10 15	
Interest from Feb. 5, 1912, to March 1, 1913, on judgment in the case of Yeisley, administrator v. Critchfield, No. 23666, judgment and costs having been heretofore paid in full. Amount of said interest unpaid.....	18 45	
		28 60
To Jacob Pfeiffer, for counsel fees expended by him in litigation resulting in the establishment of the property and water rights of the state at a certain dam in the Hocking river near Logan, Hocking county, Ohio, known		

as "The Falls" or "Wright Dam," and certain land adjoining thereto	$1,738 00	Sundry appropriations.
Ernst & Ernst, certified public accountants, Cleveland, Ohio: For services rendered in the hearing before special master Okey, relating to interest due the state of Ohio on account of deposits illegally made by the treasurer of the state of Ohio with the Columbus Savings & Trust Co., Columbus, as per bill rendered June 30, 1913, balance	2,039 22	
Dr. Yeatman Wardlow, Columbus, Ohio. Services rendered to the state of Ohio in case of George K. Cetone by direction of governor of Ohio, attorney-general and the prosecuting attorney.	50 00	
Dr. H. W. Whitaker, to services rendered in the examination, reporting and opinion in the matter of George K. Cetone	50 00	

PERRY CENTENNIAL COMMISSION.

True & Crawford, attorneys-at-law, Port Clinton, Ohio, for services rendered in the matter of the condemnation of land at Put-in-Bay	$245 70

STATE BOARD OF HEALTH.

(Division of Plumbing Inspection.)

One deputy inspector	$1,500 00
Traveling expenses for one inspector	750 00

DEPARTMENT OF PUBLIC WORKS.

Daniel Affolter, destruction of crops and damage to property by reason of material thrown upon his premises by the dredge during the dredging of the Ohio canal in 1910	$1,000 00
The Wheeling and Lake Erie Railway Company, rebate water rent	25 00
The Franklin Electric Light Company, rebate water rent	13 51
The Sidney Manufacturing Co., rebate water rent	2 71
For dredging a channel from that part of Buckeye lake known as Avondale lake to Thornport and for deepening and widening the channel between Avondale lake and Cranberry lake	3,000 00

Sundry appropriations.

Elizabeth Mack, Akron, Ohio, for damages and property loss occasioned by canal operations	$1,600 00
Damage claims consequent to the dredge operations on the Ohio and Erie canal, 1910 and 1911—	
Minnie Krueger, damages by Ohio and Erie canal	50 00
Fred Kiko	125 00
William Casack	50 00
Mrs. Frank Yetzer	40 00
William Kruschinski	100 00
Mrs. V. C. Warwick	40 00
Nathan Watts	40 00
Watson E. Morrin, Washington township, Shelby county, Ohio. Damage claim resultant from break in bank of Miami and Erie canal adjacent to land of said Watson E. Morrin	75 00
Charles A. Hetzler, Washington township, Shelby county, Ohio. Damage claim resultant from break in bank of Miami and Erie canal adjacent to lands of said Charles A. Hetzler	50 00
For removing stumps in Indian lake	1,200 00
For continuation of revetment wall at Indian lake	10,000 00
S. W. Wright, services and expenses as appraiser in the case of applications for damages on the south and west side of the Grand reservoir in the year 1913.	530 73
John H. Koch, services and expenses as appraiser in the case of applications for damages on the south and west side of the Grand reservoir in the year 1913	504 83
To pay the witness fee and mileage of John Theodore Kirkendall, a witness in the matter of the hearing on a claim filed by C. C. Bellows for damages on account of an overflow of the Columbus feeder	5 50
W. C. Baker, services and expenses as appraiser in the case of applications for damages on the south and west side of the Grand reservoir in the year 1913	514 95
For the payment of sundry witness fees and expenses in the matter of the claim of William Whitten et al., vs. The State of Ohio, the same heard before a commission in Pickaway county, Ohio	45 40
Bessie O. Garwick, services as stenographer	

in the case of applications for damages on the south and west side of the Grand reservoir in the year 1913....	$295 00	Sundry appropriations.
Jarvis Estate Co., damages to real estate by overflow of canal at Massillon, Ohio	247 00	
William Voght, damages to real estate by overflow of canal at Massillon, Ohio	32 00	
Continuation of revetment wall, Lake St. Marys.....	40,000 00	

COMMISSIONERS OF UNIFORM STATE LAWS.

Expenses of commission during 1914.....	$225 00

OHIO PENITENTIARY COMMISSION.

Expenses, uses and purposes, of Ohio Penitentiary commission.....	$25,000 00

The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection or approval hereof was filed in the office of the Secretary of State March 5th, 1914.

PRICE RUSSELL,
Veto Clerk.
54 G.

[House Bill No. 54.]

AN ACT

To make appropriations to pay unauthorized deficiencies and liabilities existing prior to February 15, 1914.

Be it enacted by the General Assembly of the State of Ohio:

That the following sums be, and the same are appropriated out of any moneys in the state treasury to the credit of the general revenue fund, not otherwise appro- Appropriations to pay unauthorized deficiencies.

Appropriations to pay unauthorized deficiencies.

priated, to pay deficiencies and liabilities as herein specified, existing prior to February 15th, 1914, to-wit:

COURT OF APPEALS.

Judges' expenses six months, August 6th, to February 15th	$3,600 00
Stenographers' expenses six months, August 6th, to February 15th	950 00
Stenographers' salaries six months, August 6th to February 15th	5,700 00
Total	$10,250 00
James G. Johnson, salary as judge of supreme court, from January 1, 1912, to February 15th, 1913	$7,312 46
Expenses common pleas judges and judges of court of appeals	2,500 00
Expenses of judges while engaged outside of district for which elected. Section 1529, O. L., 103	200 00
Department of Public Printing	$21,750 34

KENT NORMAL SCHOOL.

Furniture dormitory and administration building	$5,407 00

STATE HIGHWAY COMMISSIONER.

For payment of obligations for labor and material incurred by the state highway commissioner in the construction by force account of the Chester state aid road, petition No. 647, Meigs county, Ohio	$4,600 16
For payment of obligations for labor and material incurred by the state highway commissioner in the construction by force account of the Chesterhill state road, petition No. 359, Morgan county, Ohio	8,382 29
Interest on $8,382.29 at 6 percent. from December 22nd, 1912, to January 22nd, 1914	544 85
Traveling expenses of highway commissioner	209 11
For the payment of obligation to the National Equipment and Supply Company, of Sullivan, Indiana, for use of a road roller incurred by state highway commissioner in the construction	

by force account 1912 of Section 2 Jefferson township road, Williams county, Ohio $513 34

Appropriations to pay unauthorized deficiencies.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Deficiency $300 00

SENATE—DEFICIENCY.

Personal service	$1,900 00
Maintenance	2,300 00

STATE SCHOOL SURVEY COMMISSION.

The F. J. Heer Printing Co., for printing and binding five thousand copies of the report of the Ohio school survey commission $1,725 00

LEGISLATIVE REFERENCE DEPARTMENT.

Salaries and expenses of the legislative reference department under an act entitled "An act to create a legislative reference department" and for other purposes, (103 O. L. 8) $800 00

OHIO NATIONAL GUARD.

Yeisley vs. Critchfield $612 68

BUREAU OF BUILDING AND LOAN ASSOCIATIONS.

John W. Hook, Cincinnati, Ohio, in full payment of traveling expenses in connection with the work of the department in May and June, 1907 ..... $81 60

STATE CIVIL SERVICE COMMISSION OF OHIO.

Salaries	$475 00
Wages	564 57
Expressage	120 00
Telegraph	125 00
Office expenditures	500 00
Rent	78 00
Typewriters	157 83
Total	$2,020 40

COMMISSIONERS OF UNIFORM STATE LAWS.

Appropriations to pay unauthorized deficiencies.

Alfred M. Cohen, for railroad and hotel bills paid in connection with attendance at meeting of commission uniform state laws at Montreal, Canada, August and September, 1913..... $62 00

The moneys herein appropriated shall be paid upon the approval of a special auditing committee, consisting of the chairman of the senate finance committee, the chairman of the house finance committee and the auditor of state, and said auditing committee is hereby authorized and directed to make careful inquiry as to the validity of each and every claim herein made, and to pay only so much as may be found to be correct and just, and in the event said committee finds the law relating to creating deficiencies has been violated by any official or board, it shall report the same to the governor in writing.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 5th, 1914.

PRICE RUSSELL,
Veto Clerk.
55 G.

[Senate Bill No. 30.]

AN ACT

To supplement section 3209, General Code, by enacting section 3209-1, to authorize the leasing of gas, oil and other minerals on unsold portions of sections sixteen and twenty-nine.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3209, General Code, be supplemented by the enactment of a supplemental section 3209-1, as fol'ows:

Auditor of state authorized to lease unsold portions of sections sixteen and twenty-nine, for gas, oil or other mineral.

Sec. 3209-1. The auditor of state is hereby authorized to lease for oil, gas or other minerals any unsold portions of Section Sixteen or Section Twenty-nine of original surveyed townships, or other lands dedicated to the support of schools or religion to any person or persons, firm or corporation, upon such terms and for such time as will be for the best interests of the beneficiaries thereof. In the event of any productive oil or gas wells having been drilled on any of

said lands or other minerals taken therefrom prior to obtaining a lease therefor said auditor of state is hereby authorized to settle, adjust and compromise with the person, persons, firm or corporation, drilling such wells or removing other minerals upon such terms as may be just and equitable to such persons, and for the best interest of the beneficiaries of said lands. Provided that before any such lease, settlement, adjustment or compromise shall be binding, or in any manner affect existing rights or claims, the same shall be presented to and approved by the governor and attorney general, and providing further, that all moneys arising from any such lease, settlement, adjustment or compromise shall be paid to the treasurer of state monthly, to be disposed of in the same manner as is provided by law for the proceeds of sale of said sections. And provided further that all leases on said lands shall contain a provision that the lessee shall be liable for and pay all damages suffered by lessees of the surface, including damages to pasture, crops, fences and the like.

Settlement for minerals heretofore taken from said sections.

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in conformity
the General
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KOTHY S.
HOGAN,
torney
General.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 6th, 1914.

PRICE RUSSELL,
Veto Clerk.
56 G.

[Senate Bill No. 10.]

AN ACT

To amend sections 352, 354, 355, 356, 357, 358, 359, 360, 361, 362, 364, 7631, 7641, 7645, 7646, 7656, 7660, 7661, 7668, 7669, 7672, 7673, 7675, 7679, 7709, 7710, 7711, 7718, 7727, 7752, 7756, 7761, 7763, 7769, 7771, 7772, 7773, 7784, 7786, 7787, 7788, 7789, 7790, 7792, 7793, 7799, 7803, 7804, 7874, 9923, 12903 and 12909, to add supplementary sections 352-1 and 353-1, and to repeal sections 7588, 7589, 7590, 7665, 7717, 7719, 7732, 7741, 7863, 7864, 4693, 4694, 4695, and 4697 of the General Code, relating to the office and duties of the superintendent of public instruction.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 352, 354, 355, 356, 357, 358, 359, 360, 361, 362, 364, 7645, 7646, 7656, 7660, 7661, 7668, 7669, 7672, 7673, 7675, 7709, 7710, 7718, 7727, 7752, 7756, 7761, 7763, 7769, 7771, 7772, 7773, 7784, 7786, 7787, 7788, 7789, 7790, 7792, 7793, 7799, 7803, 7804, 7631, 7641,

7679, 7711, 7874, 9923, 12903 and 12909 be amended and that supplementary sections 352-1 and 353-1 of the General Code be added to read as follows:

Superintendent of public instruction; appointment and term.

Sec. 352. There shall be a superintendent of public instruction, who shall be appointed by the governor. He shall hold his office for a term of four years, and until his successor is appointed and qualified, such term commencing on the second Monday of July. He shall have an office in or near the state house, in which the books and papers pertaining to his office shall be kept.

Who eligible as superintendent.

Sec. 352-1. No one who is interested financially or otherwise in any book publishing or book selling company, firm or corporation, shall be eligible to appointment as superintendent of public instruction. If any superintendent of public instruction becomes interested financially or otherwise, in any book publishing or book selling company, firm or corporation said superintendent of public instruction shall forthwith be removed from office by the governor.

Employment of clerks and assistants.

Sec. 353-1. The superintendent of public instruction may employ such clerks, stenographers and assistants as will enable him to properly care for the duties of his office. The compensation of such appointees shall be fixed by the superintendent of public instruction, with the approval of the governor.

Duties of superintendent.

Sec. 354. The superintendent of public instruction while holding such office shall not perform the duties of teacher or superintendent of a public or private school, or be employed as teacher in a college or hold any other office or position of employment. He may visit and inspect schools and attend educational gatherings either within or without the state, and deliver lectures on topics calculated to subserve the interests of popular education, and his necessary and actual expenses therefor when properly verified shall be paid by the state.

Supervision of school funds and reports.

Sec. 355. The superintendent of public instruction shall have such supervision of the school funds of the state as is necessary to secure their safety and distribution as provided by law. He may require of auditors and treasurers of counties, boards of education, teachers, clerks and treasurers of such boards, and other local school officers, copies of all reports made by them in pursuance of law. He may also require of such officers any other information he deems proper in relation to the condition and management of schools and school funds.

Collation, publication and distribution of school laws and forms.

Sec. 356. The superintendent of public instruction shall collate the laws relating to schools and teachers' institutes, provide an appendix of forms and instructions for their execution, and cause as many copies thereof as may be necessary to be printed in a separate volume and distribute them among the counties of the state for the use of school officers. He may revise, republish and distribute such laws as often as changes are made in them which in his opinion are of sufficient importance to require it.

Forms and regulations for reports and proceedings.

Sec. 357. The superintendent of public instruction shall prescribe suitable forms and regulations for the reports and other proceedings required by the school laws, with such instructions for the organization and government of schools as he deems necessary, and transmit them to the local school officers, who shall be governed thereby in the performance of their duties.

Publication and distribution of Arbor Day manual.

Sec. 358. The superintendent of public instruction shall issue each year a manual for arbor day exercises. The manual shall contain matters relating to forestry and birds, including a copy of such laws relating to the protection of song and insectivorous birds as he deems proper. He shall transmit copies of the manual to the superintendent of city, village, and rural schools and to the clerks of boards of education, who shall cause them to be distributed among the teachers of the schools under their charge. On arbor day, and other days when convenient, the teachers shall cause such laws to be read to the scholars of their respective schools and shall encourage them to aid in the protection of such birds.

Reports from private schools.

Sec. 359. Each year the superintendent of public instruction shall require a report of the president, manager or principal of each seminary, academy or private school. The report shall be made upon blanks furnished by the superintendent and contain a statement of such facts as he prescribes. The president, manager or principal shall fill up and return the blanks within a time fixed by the superintendent of public instruction.

Annual report of superintendent to governor.

Sec. 360. The superintendent of public instruction shall make an annual report to the governor, which shall contain a statement of the amount and condition of the funds and property appropriated for purposes of education; the number of common schools in the state, the number of scholars attending such schools, their sex and the branches taught; the number of private or select schools in the state so far as can be obtained, the number of scholars attending such schools, their sex and the branches taught; the number of teachers' institutes, the number of teachers attending them, the number of instructors and lecturers employed therein and the amount paid to each; the estimates and accounts of expenditures of the public school funds, plans for the management and improvement of common schools, and such other information relative to the educational interests of the state as the superintendent deems important.

Complaint of fraudulent use of school funds.

Sec. 361. When three or more resident taxpayers of a school district have reason to believe that any portion of the school funds of the district has been unlawfully expended or misapplied by the officers thereof, or that fraudulent entries have been made by an officer in the books, accounts, vouchers, or settlement sheets of the district, or that an officer has not made settlement of his account as required by law, they may make complaint thereof in writing, verify it by the affidavits of at least three such taxpayers, with the certificate of the auditor of the county that they are tax-

payers attached, and file such complaint with the superintendent of public instruction.

Examiner to investigate condition of funds.

Sec. 362. Upon the filing of complaint, or when for other cause he deems it necessary, the superintendent of public instruction shall request the auditor of state to detail an examiner of his department to investigate the condition of the school funds of a district. The examiner shall be a trustworthy and competent accountant and shall have authority to summon witnesses before him forthwith upon written notice and examine them under oath administered by him. He shall be sworn by a person authorized by law to administer oaths, and shall forthwith visit the school district, take possession of the books, papers, vouchers and accounts thereof and begin such investigation.

Report of examiner.

Sec. 364. After completing an investigation, the examiner shall make a report in writing in duplicate showing the condition of the books, vouchers and accounts of the district, the amount of school funds received for all purposes and from what sources, the amount thereof expended and for what purposes and the amount in the treasury. The examiner shall file one copy of the report with the president of the county board of education of the county in which the district is located, and transmit the other to the superintendent of public instruction.

Establishment of free public library.

Sec. 7631. The board of education of any city, village, or rural school district, by resolution, may provide for the establishment, control and maintenance, in such district, of a public library, free to all the inhabitants thereof. For that purpose, by purchase, it may acquire the necessary real property, and erect thereon a library building; acquire, by purchase or otherwise, from any other library association, its library property; receive donations and bequests of money or property for such library purposes, and maintain and support libraries now in existence and controlled by the board.

Tax levy to maintain public library.

Sec. 7641. The board of education in any city, village, or rural school district may contract annually with any library corporation or other organization owning and maintaining a library or with any board of trustees appointed by authority of law, having the management and control of a library, for the use of such library by the residents of such district. Such board of education shall require an annual report in writing from such library corporation or other organization or board of trustees.

Graded course of study.

Sec. 7645. Boards of education are required to prescribe a graded course of study for all schools under their control in the branches named in section seventy-six hundred and forty-eight, subject to the approval of the superintendent of public instruction.

Elementary school shall be maintained.

Sec. 7646. The board of education of each rural school district shall establish and maintain at least one elementary school in each subdistrict under its control, unless transportation is furnished to the pupils thereof as provided by law.

Diploma granted to graduates.

Sec. 7656. A diploma must be granted by the board of education to any one completing the curriculum in any high school, which diploma shall state the grade of the high school issuing it as certified by the superintendent of public instruction, be signed by the president and clerk of the board of education, the superintendent and the principal of the high school, if such there be, and shall bear the date of its issue.

Information to superintendent of public instruction as to high schools.

Sec. 7660. The clerk of the board of education of each district in which a high school is established and maintained shall furnish to the superintendent of public instruction definite and accurate information concerning the length of time necessary for the completion of the high school curriculum or curriculums, the courses of instruction offered therein, and such other information as the superintendent of public instruction requires in relation to the high school work of the district, and in the form and manner he prescribes. Such information shall be filed when high schools are established or any changes made in curriculums.

Certificate as to grade of high school; withholding approval

Sec. 7661. Upon examination of the information thus filed, or after personal inspection of work done if he deems this advisable, or both, the superintendent of public instruction shall determine the grade of each such high school and, under the seal of his office, certify to the clerk of the board of education his finding as to the grade of the high school maintained by such board. But he may withhold his approval of any curriculum, when it appears to him that it does not comply with legal and reasonable requirements. When it appears that any curriculum, already approved, has been so modified as to change the grade of the high school, either by advancing or reducing its grade, the superintendent of public instruction shall certify his finding and all diplomas issued thereafter shall bear the grade so designated by him.

Estimate of funds needed, certified to county auditor.

Sec. 7668. In rural districts where a high school or high schools are, or may be established, by the rural board of education, it annually shall determine by estimate, as near as practicable, the entire amount of money necessary to be expended in the rural district for school and schoolhouse purposes, including the paying of teachers in such schools the prolonging of the terms of the several elementary schools of the rural district after the state funds have been exhausted, the erecting, repairing and furnishing of schoolhouses, and any other school purposes which amount shall be certified in writing to the county auditor, by such rural board, on or before the first Monday in June of each year.

Union of districts for high school purposes.

Sec. 7669. The boards of education of two or more adjoining rural school districts, or of a rural and village school district by a majority vote of the full membership of each board, may unite such districts for high school purposes. Each board also may submit the question of levying a tax on the property in their respective districts, for the purpose of purchasing a site and erecting a building,

Report of school for deaf and dumb, etc., to superintendent.

Sec. 7756. A board of education which maintains one or more day schools for the instruction of the deaf, crippled or blind persons shall report to the superintendent of public instruction annually, and as often as such superintendent directs such facts concerning such school or schools as he requires.

Inspection of schools for deaf, etc.

Sec. 7761. The superintendent of public instruction shall select some competent person to inspect all such day schools established by virtue of this act, and cause inspection to be made at least twice a year concerning the methods of instruction, the condition of the buildings in which the same are held, the conditions under which such schools are maintained, and such other matters as may be of interest in the education of such children in such schools; and such persons so appointed shall make full report thereof in writing to the state superintendent of public instruction at the close of each school year.

School attendance.

Sec. 7763. Every parent, guardian or other person having charge of any child between the ages of eight and fifteen years of age if a male, and sixteen years of age, if a female, must send such child to a public, private or parochial school, for the full time that the school attended is in session, which shall in no case be for less than twenty-eight weeks. Such attendance must begin within the first week of the school term, unless the child is excused therefrom by the superintendent of the public schools, or by the principal of the private or parochial school, upon satisfactory showing either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, in the opinion of such superintendent or clerk, as the case may be, to teach the branches named in the next preceding section.

Truant officers; appointment, compensation.

Sec. 7769. To aid in the enforcement hereof, truant officers shall be appointed as follows: In city districts the board of education must appoint and employ a truant officer, and may employ such assistants to such truant officer as may be deemed advisable; in village and rural districts the board of education shall appoint a constable or other person as truant officer. The compensation of the truant officer and assistants shall be fixed and paid by the board appointing them.

Duties of truant officer; record.

Sec. 7771. The truant officer shall institute proceedings against any officer, parent, guardian, person, partnership or corporation violating any provisions of this chapter, and otherwise discharge the duties described therein, and perform such other service as the superintendent of schools of the board of education may deem necessary to preserve the morals and secure the good conduct of school children, and to enforce the provisions of this chapter. The truant officer shall keep on file the name, address and record of all children between the ages of fifteen and sixteen to whom age and schooling certificates have been granted who desire employment, and manufacturers, employers or other persons requiring help of legal age shall have access to such files.

The truant officer shall co-operate with the industrial commission in enforcing the conditions and requirements of the child labor laws of Ohio, furnishing upon request such data as he has collected in his reports of children from eight to sixteen years of age and also concerning employers, to the industrial commission and to the superintendent of public instruction. He must keep a record of his transactions for the inspection and information of the superintendent of schools and the board of education; and make daily reports to the superintendent during the school term in districts having them, and to the clerk of the board of education in districts not having superintendents as often as required by him. Suitable blanks for the use of the truant officer shall be provided by the clerk of the board of education.

Report of teachers to clerks.

Sec. 7772. Principals and teachers of all schools, public, private and parochial, shall report to the clerk of the board of education of the city, village or rural district in which the schools are situtated, the names, ages and residence of all pupils in attendance at their schools, together with such other facts as said clerk may require in order to facilitate the carrying out of the provisions of this chapter. The clerk shall furnish blanks for such purpose, and such report shall be made during the last week of each month from September to June inclusive of each year. Such principals and teachers also must report to the truant officer, the superintendent of public schools, or the clerk of the board of education, all cases of truancy or incorrigibility in their respective schools as soon after these offenses have been committed as practicable. It shall further be within the power of all principals or teachers in charge of schools, wherever a child in school reaches his or her twelfth year and has not completed the fourth grade work in the studies enumerated in section seventy-seven hundred sixty-two, to relieve such child from pursuing the regular course prescribed, and cause such child to give his entire time to reading, writing, spelling, geography, arithmetic and the use of the English language with as much manual training as opportunity and funds will permit.

Special course.

Notice to parent of truancy of child; complaint.

Sec. 7773. On the request of the superintendent of schools or the board of education or when it otherwise comes to his notice, the truant officer shall examine into any case of truancy within his district, and warn the truant and his parents, guardian or other person in charge, in writing, of the final consequence of truancy if persisted in. When any child between the age of eight and fifteen years, or between the ages of fifteen and sixteen years, in violation of the provisions of this chapter is not regularly employed and is not attending school, the truant officer shall notify the parent, guardian or other person in charge of such child, of the fact, and require such parent, guardian or other person in charge, to cause the child to attend some recognized school within two days from the date of the notice; and it shall be the duty of the parent, guardian or other person in charge of the child so to cause its attendance at some rec-

ognized school. Upon failure to do so, the truant officer shall make complaint against the parent, guardian or other person in charge of the child, in any court of competent jurisdiction in the city, village or rural district in which the offense occurred for such failure.

School records shall be kept by superintendents and teachers.

Sec. 7784. Boards of education shall require all teachers and superintendents to keep the school records in such manner that they may be enabled to report annually to the county auditor and superintendent of public instruction as required by the provisions of this title and shall withhold the pay of such teachers and superintendents as fail to file the reports required of them. The records of each school, in addition to all other requirements shall be so kept as to exhibit the names of all pupils enrolled therein, the studies pursued; also, indicate the character of the work done, the standing of each pupil, and must be as near uniform throughout the state as is practicable.

When clerk shall draw order for teacher's pay.

Sec. 7786. No clerk of a board shall draw an order on the treasurer for the payment of a teacher for services until the teacher files with him such reports as are required by the superintendent of public instruction and the board of education, a legal certificate of qualification, or a true copy thereof, covering the entire time of the service, and a statement of the branches taught. But orders may be drawn from the payment of special teachers of drawing, painting, penmanship, music, gymnastics, or a foreign language, on presentation of a certificate to the clerk, signed by a majority of the examiners, and the filing with him of a true copy thereof, covering the time for which the special teacher has been employed, and the specialty taught.

Annual report of board of education; contents.

Sec. 7787. The board of education of each district shall make a report to the county auditor, on or before the first day of September in each year, containing a statement of the receipts and expenditures of the board, the number of schools sustained, the length of time they were sustained, the enrollment of pupils, the average monthly enrollment, and average daily attendance, the number of teachers employed, and their salaries, the number of school-houses and school rooms, and such other items as the superintendent of public instruction requires.

Report must be made on blanks furnished by superintendent.

Sec. 7788. Such report must be made on blanks which shall be furnished by the superintendent of public instruction to the auditor of each county, and by the auditor to each school clerk in his county. Each board of education, or officers or employee thereof, or other school officer in any district or county, when the superintendent so requires, shall report to him direct, upon such blanks as he furnishes any statement or items of information that he deems important or necessary.

Duty of county auditor as to school statistics.

Sec. 7789. On or before the twentieth day of September, annually, the auditor of each county shall prepare, and transmit to the superintendent of public instruction an abstract of all the returns of school statistics made to him from the several districts in his county, according to the

form prescribed by the superintendent, a statement of the condition of the institute fund, and such other facts relating to schools and school funds as the commissioner requires. He also shall cause to be distributed all such circulars, blanks, and other papers, including school laws and documents, in the several school districts in the county, as the commissioner may lawfully require.

Penalty for neglect to make reports.

Sec. 7790. If the auditor neglects to prepare and return any of the abstracts or reports herein required, the county commissioners, shall withhold from him all compensation for his services under this title, and he shall also be liable on his bond for any such neglect, in a sum not less than three hundred nor more than one thousand dollars, on complaint of the superintendent of public instruction, and if the clerk of the board of education of any district fails to make the annual returns of school statistics required by this title, to the county auditor, he shall be liable on his bond, in a sum not less than fifty nor more than three hundred dollars, on complaint of the county auditor, or of the board of education, to be recovered in a civil action in the name of the state, and when collected to be paid into the county treasury, and applied to the use of common schools in such district.

Penalty for failure to transmit abstract of enumeration.

Sec. 7792. A county auditor who wilfully or negligently fails, in any year, to transmit to the superintendent of public instruction the abstract of enumeration by law required of him, or to perform any other duty required of him in this title, shall be liable on his bond to the extent of twice the sum lost to the school districts of his county in consequence of such failure. Such sum shall be recovered in a civil action against him, on his bond, in the name of the state. The money so recovered must be paid into the county treasury, for the benefit of such districts, and apportioned as the school funds so lost would have been apportioned.

Compensation of auditor.

Sec. 7793. The commissioners of each county, annually shall allow the county auditor a reasonable compensation for his services under this title, not to exceed five dollars for each city, village and rural school district in his county, to be paid out of the county treasury. But before such allowance shall be made for any year the auditor must present to the commissioners a statement, officially certified and signed by the superintendent of public instruction, that he has transmitted to him all reports and returns of statistics for that year required by this title.

Clerk shall transmit to auditor abstract of enumeration.

Sec. 7799. Annually, on or before the first Saturday in July, the clerk of each board shall make and transmit to the county auditor, an abstract of the enumeration by this chapter required to be returned by him, according to the form prescribed by the superintendent of public instruction, with an oath or affirmation endorsed thereon that it is a correct abstract of the returns made to him under oath or affirmation. The oath or affirmation of the clerk may be administered and certified by any member of the board of education, or by the county auditor.

Auditor shall transmit abstract to superintendent.

Sec. 7803. On or before the third Saturday in July in each year, the auditor of each county shall make and transmit to the superintendent of public instruction, on blanks to be furnished by the commissioners, an abstract of the enumeration returns made to him duly certified.

Duty of superintendent when enumeration excessive.

Sec. 7804. When, on examination of the enumeration returns of any district, the superintendent of public instruction is of the opinion that the enumeration is excessive in number, or in any other way incorrect, he may require it to be re-taken and returned. If he thinks it necessary for this purpose he may appoint persons to perform the service, who shall take the oath, perform the duties, and receive the same compensation, out of the same funds, as the person or persons who took the enumeration in the first instance. The school fund distributable to the counties in proportion to enumeration shall be distributed upon the corrected returns.

Length of session; report to superintendent.

Sec. 7874. All institutes held under the provisions of this chapter shall continue at least four days. A report of the institute held in pursuance of the provisions of sections seventy-eight hundred and seventy-one and seventy-eight hundred and seventy-two shall be made to the superintendent of public instruction within five days after the adjournment thereof. It must state the number of teachers in attendance, the names of the instructors and lecturers, the total expense of the institute, the portion thereof paid from the institute funds, and such other information relating to the institute as the superintendent requires.

Certificate to be filed with secretary of state.

Sec. 9923. But no college or university shall confer any degree until the president or board of trustees thereof has filed with the secretary of state a certificate issued by the superintendent of public instruction that the course of study in such institution has been filed in his office, and that the equipment as to faculty and other facilities for carrying out such course are proportioned to its property and the number of students in actual attendance so as to warrant the issuing of degrees by the trustees thereof.

Duty of superintendent.

Sec. 12903. Such books shall be published at the expense of the state under the direction of the superintendent of public instruction, who shall furnish a copy thereof to each teacher required to give such instruction.

Suspension of pupil who fails to obey notice.

Sec. 12909. Whoever, being a pupil in the public schools, organizing, joining or belonging to a fraternity, sorority or like society composed or made up of pupils of the public schools, fails to obey the notice provided for in the next preceding section, shall be forthwith suspended from the public schools by the superintendent or principal in charge thereof, until such pupil shall comply with the order of such board of education.

Repeals.

SECTION 2. That original sections 352, 354, 355, 356, 357, 358, 359, 360, 361, 362, 364, 7645, 7646, 7656, 7660, 7661, 7668, 7669, 7672, 7673, 7675, 7709, 7710, 7718, 7727, 7752, 7756, 7761, 7763, 7769, 7771, 7772, 7773, 7784, 7786, 7787, 7788, 7789, 7790, 7792, 7793, 7799, 7803, 7804, 7863,

The sectional numbers herein are in conformity to the General Code. TIMOTHY S. HOGAN, *Attorney General.*

7864, 7874, 9923, 7588, 7589, 7590, 7717, 7719, 7732, 7741, 4693, 4694, 4695, 4697, 7631, 7641, 7679, 7711, 12903 and 12909 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.
57 G.

[Senate Bill No. 29.]

AN ACT

To amend section 5649-3b of the General Code, as amended April 16, 1913, providing for the time of meeting of county budget commissions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 5649-3b of the General Code, as amended April 16, 1913, be amended to read as follows:

County budget commission; members.

Sec. 5649-3b. The budget commission of each county shall consist of three members: the county auditor, the mayor of the largest municipality of the county as shown by the last federal census. In counties in which the amount of taxable property in the cities and villages thereof exceeds the amount of taxable property of territory outside of the cities and villages, the third member of such commission shall be the city solicitor of the largest municipality in the county, as shown by the last federal census. In other counties the third member shall be president of the school board of the school district containing the largest municipality of the county as shown by the last federal census, if an elector; and if such president be not an elector; then a member of such board who is an elector to be designated by the board.

The amount of taxable property for purposes of this act shall be governed by the amount on the tax list of the current year as fixed by the district assessor and equalized by the tax commission of Ohio. The budget commissioners shall meet at the auditor's office in each county on the first Monday in August annually and shall complete their work on or before the third Monday in that month; provided, however, that for good cause the tax commission of Ohio may extend the time for completing the work. Each mem-

Time and place of meeting of commission; record, expenses.

ber shall be sworn faithfully and impartially to perform the duties imposed upon him by this act. Two members shall constitute a quorum. The auditor shall be the secretary of the budget commissioners and shall keep a full and accurate record of all proceedings. The commission shall appoint such messengers and clerks as it deems necessary, who shall receive not to exceed three dollars per day for their services for the time actually employed, which shall be paid out of the county treasury. The budget commissioners shall be allowed their actual and necessary expenses. Such expenses to be itemized and sworn to by the person who incurred them and paid out of the county treasury when approved by the commissioners.

Repeal.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 5649-3b of the General Code, as amended April 16, 1913, (103 O. L. 552) be, and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The General assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914. and without objection hereto or approval hereof was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.
58 G.

[Senate Bill No. 21.]

AN ACT

To amend sections 4227-1, 4227-2, and 4227-5 of the General Code, to repeal sections 3772, 3773 and 3774 and to add sections 4227-6 to 4227-13 inclusive, relative to further safeguarding initiative and referendum petitions in municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 4227-1, 4227-2 and 4227-5 of the General Code be amended and sections 4227-6 to 4227-13 inclusive, be added to read as follows:

Ordinances and measures may be proposed by initiative petition; percentum.

Sec. 4227-1. Ordinances and other measures providing for the exercise of any and all powers of government granted by the constitution or now delegated or hereafter delegated to any municipal corporation, by the general assembly, may be proposed by initiative petition. Such initiative petition must contain the signatures of not less than ten percentum of the electors of such municipal corporation.

When there shall have been filed with the city auditor if it be a city, or village clerk if it be a village, a petition signed by the aforestated required number of electors proposing an ordinance or other measure, said city auditor or village clerk shall, after ten days, certify the petition to the board of deputy state supervisors of elections of the county wherein such municipality is located. Said board shall submit such proposed ordinance or measure for the approval or rejection of the electors of such municipal corporation at the next succeeding regular or general election, in any year, occurring subsequent to forty days after the filing of such initiative petition. No ordinance or other measure proposed by initiative petition and approved by a majority of the electors voting upon the same in such municipal corporation shall be subject to the veto of the mayor.

Deputy state supervisors of elections shall submit proposed ordinance or measure.

Sec. 4227-2. Any ordinance, or other measure passed by the council of any municipal corporation shall be subject to the referendum except as hereinafter provided. No ordinance or other measure shall go into effect until thirty days after it shall have been filed with the mayor of a city or passed by the council in a village, except as hereinafter provided.

Ordinances and measures subject to referendum; percentum.

When a petition signed by ten per cent. of the electors of any municipal corporation shall have been filed with the city auditor or village clerk in such municipal corporation, within thirty days after any ordinance, or other measure shall have been filed with the mayor, or passed by the council of a village, ordering that such ordinance or measure be submitted to the electors of such municipal corporation for their approval or rejection, such city auditor or village clerk shall, after ten days, certify the petition to the board of deputy supervisors of elections of the county wherein such municipality is situated and said board shall cause to be submitted to the electors of such municipal corporation for their approval or rejection, such ordinance, or measure at the next succeeding regular or general election, in any year, occurring subsequent to forty days after the filing of such petition.

No such ordinance or measure shall go into effect until approved by the majority of those voting upon the same. Nothing in this act shall prevent a municipality after the passage of any ordinance, or other measure from proceeding at once, to give any notice, or make any publication, required by such ordinance or other measure.

Sec. 4227-5. Whenever twenty per cent. of the electors of any municipality file a petition with the city auditor if it be a city, or village clerk, if it be a village, proposing or against an ordinance or other measure, requesting in the petition that the ordinance or measure be submitted to the electors of the municipality at a special election, the auditor or village clerk, after ten days, shall certify the same to the board of deputy state supervisors of elections who shall submit the same at a special election to be held on the fifth Tuesday after the petition is filed. The petition shall not

When ordinance or measure shall be submitted at special election.

be submitted at a special election if a regular or general election will occur not later than ninety days after the petition is filed but shall be submitted at the regular or general election.

Copy of proposed ordinance or measure filed with auditor or clerk.

Sec. 4227-6. Whoever seeks to propose an ordinance or measure in a municipality by initiative petition or file a referendum petition against any ordinance or measure shall before circulating such petition file a duly verified copy of the proposed ordinance or measure with the city auditor, if it be a city, or with the village clerk, if it be a village.

Words which shall be printed in red.

Sec. 4227-7. At the top of each part of the petition the following words shall be printed in red.

NOTICE.

Whoever knowingly signs this petition more than once, signs a name other than his own, or signs when not a legal voter is liable to prosecution.

Designation of committee as filing petition.

Sec 4227-8. The petitioners may designate in any initiative or referendum petition a committee of not less than three of their number, who shall be regarded as filing the petition. After a petition has been filed with the city auditor or village clerk it shall be kept open for public inspection for ten days. If, after a petition proposing an ordinance or other measure has been duly filed with the city auditor or village clerk as the case may be, the proposed ordinance or other measure, or a substitute for the proposed ordinance or measure approved by the committee herein mentioned, is passed by the legislative body of the municipality, the majority of the committee shall notify the board of deputy state supervisors of elections in writing and such proposed ordinance or measure shall not be submitted to a vote of the electors.

When ordinance or measure shall not be submitted.

If, after a duly verified referendum petition has been filed against any ordinance or measure, the legislative body of the municipality repeals such ordinance or measure, or such ordinance or measure is held to be invalid, the board of elections shall not submit such ordinance or measure to a vote of the electors.

Sworn itemized statement by circulator.

Sec. 4227-9. (1) The circulator of an initiative and referendum petition, or his agent, shall within five days after such petition is filed with the city auditor or village clerk, file a sworn itemized statement showing in detail:

(a) All moneys or things of value paid, given or promised for circulating such petition.

(b) Full names and addresses of all persons to whom such payments or promises were made.

(c) Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions.

(d) Time spent and salaries earned while circulating or soliciting signatures to petitions by persons who were regular salaried employees of some person and whom said

employer authorized to solicit signatures for or circulate said petition as a part of their regular duties.

Persons from whom statement not required.

(2) The statement provided for in this section shall not be required from persons who take no other part in circulating a petition than making affidavits to parts of the petition and soliciting signatures to the same.

Open to public inspection.

(3) Such statement shall be open to public inspection for a period of one year.

Sec. 4227-10. Whoever directly or indirectly:

Practices prohibited in circulating I. & R. petitions.

(1) Wilfully misrepresents the contents of any initiative or referendum petition; or

(2) Pays or offers to pay any elector anything of value for signing an initiative or referendum petition; or

(3) Promises to help another to obtain appointment to any office provided for by the constitution or laws of Ohio or by the ordinances of any municipality, position or employment in the services of the state or any political subdivision thereof as a consideration for obtaining signatures to an initiative or referendum petition; or

(4) Obtains signatures to any initiative or referendum petition as a consideration for the assistance or promise of assistance, of another person in securing an appointment to any office or position provided for by the constitution or laws of Ohio or by the ordinance of any municipality therein; or employment in the service of the state or any subdivision thereof;

(5) Alters or adds to or erases any signatures or names, on the parts of a petition after such parts have been filed with the auditor or village clerk; or

(6) Fails to file the sworn itemized statement required in section 4227-9.

Practices prohibited in the signing of I. & R. petitions, penalty.

Sec. 4227-11. (1) Whoever knowingly signs an initiative or referendum petition more than once, signs a name other than his own, or signs when not a legal voter, shall, upon conviction be fined not more than one hundred dollars.

(2) Whoever accepts anything of value for signing an initiative or referendum petition shall upon conviction be fined not to exceed twenty-five dollars.

(3) Whoever sells, purchases, steals, attempts to steal, or wilfully destroys or mutilates an initiative or referendum petition which is being or has been lawfully circulated shall upon conviction be fined not more than five hundred dollars or imprisoned in the penitentiary for not more than five years.

(4) Whoever directly or indirectly, by intimidation or threats, influences or seeks to influence any person to sign or abstain from signing, or to solicit signatures to or abstain from soliciting signatures to an initiative or referendum petition shall, upon conviction, be fined not more than one hundred dollars.

Provisions do not apply to municipality adopting charter.

Sec. 4227-12. The provisions of sections 4227-1 to 4227-13 inclusive shall not apply to any municipality that has or may hereafter adopt its own charter which contains

an initiative and referendum provision for its own ordinances and other legislative measures.

Punishment.

Sec. 4227-13. Corrupt practices as defined in this act shall be punished as provided in section 13323-1 of the General Code.

Repeals.

SECTION 2. That original sections 3772, 3773, 3774, 4227-1, 4227-2 and 4227-5 of the General Code are hereby repealed.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.
59 G.

[House Bill No. 11.]

AN ACT

To amend section 3927 of the General Code to provide for the sale of bonds in small denominations issued by municipalities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 3927 of the General Code be amended to read as follows:

Sale of bonds issued by municipalities.

Sec. 3927. When sold such bonds shall be distributed to bidders according to the following rules:

First, those offering the highest premium for all or part of such bonds shall receive the amount requested by them.

Second, those offering the next highest premium shall receive the amount requested by them. This process shall be continued until all of the bonds have been disposed of. In allotting such bonds, bidders for small quantities shall be given the preference, but the council may reject any and all bids.

When such bonds have been advertised and offered for sale in accordance with law, and no bids have been received therefor, or bids insufficient in amount to purchase the entire issue or issues of bonds so offered have been received, then and in that event the municipal corporation, in a manner to be provided by ordinance, may sell such issue or issues of bonds, or any part thereof, or such balances thereof as have not been sold, either in the denominations originally authorized, or in any other denomination not less in any case than one hundred dollars, at not less than

par and the accrued interest thereupon. The proceeds of such bonds so sold shall be subject to the same uses and restrictions as the proceeds of bonds sold in any other manner provided by law.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That original section 3927 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.
60 G.

[Senate Bill No. 2.]

AN ACT

To amend section 1532 of the General Code, providing for the election of common pleas judges in the several counties of the state.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 1532 of the General Code be amended to read as follows:

Court of common pleas in each county; judges qualifications, election, term.

Sec. 1532. There shall be a court of common pleas in each county of the state, held by one or more judges, residing therein and elected by the electors thereof. Each judge shall hold office for six years, and his successor shall be elected at the election in the even numbered year next preceding the expiration of his term. Each judge heretofore elected as a judge of a common pleas district shall, after the year 1914, serve as a judge of the common pleas court of the county of which he was a resident at the time of his election.

Times for the election in each county and the beginning of the terms.

Provided that when a vacancy may have occurred in the office of any judge of the court of common pleas, in office or elected thereto prior to January 1st, 1913, his successor shall be elected for the unexpired term at the first annual election that occurs in an even numbered year more than thirty days after such vacancy may have occurred, and such election shall be by the qualified electors of the county in which the judge, whose office became vacant, resided at the time of his election.

The times for the next election of common pleas judges in the several counties and for the beginning of their terms, shall be as follows:

Times for the election in each county and the beginning of the terms.

In Adams county, in 1914, one judge, term to begin February 9, 1915.

In Allen county, in 1914, one judge, term to begin February 9, 1915.

In Ashland county, in 1914, one judge, term to begin February 9, 1915.

In Ashtabula county, in 1918, one judge, term to begin February 9, 1919.

In Athens county, in 1918, one judge, term to begin February 9, 1919.

In Auglaize county, in 1914, one judge, term to begin January 9, 1915.

In Belmont county, in 1918, one judge, term to begin February 9, 1919.

In Brown county, in 1918, one judge, term to begin February 9, 1919.

In Butler county, in 1918, two judges, the term of one to begin February 9, 1919, and the term of the other to begin January 1, 1919.

In Carroll county, in 1916, one judge, term to begin January 1, 1917.

In Champaign county, in 1916, one judge, term to begin January 1, 1917.

In Clark county, in 1916, one judge, term to begin January 1, 1917.

In Clermont county, in 1914, one judge, term to begin January 1, 1915.

In Clinton county, in 1916, one judge, term to begin January 1, 1917.

In Columbiana county, in 1916, one judge, term to begin January 1, 1917.

In Coshocton county, in 1914, one judge, term to begin January 1, 1915.

In Crawford county, in 1918, one judge, term to begin February 9, 1919.

In Cuyahoga county, in 1914, four judges, terms to begin January 1, 1915; in 1916, three judges, terms to begin January 1, 1917, and in 1918, five judges, the terms of four to begin January 1, 1919, and the term of one to begin February 9, 1919.

In Darke county, in 1914, one judge term to begin January 1, 1915.

In Defiance county, in 1918, one judge, term to begin February 9, 1919.

In Delaware county, in 1918, one judge, term to begin February 9, 1919.

In Erie county, in 1914, one judge, term to begin January 1, 1915.

In Fairfield county, in 1918, one judge, term to begin February 9, 1919.

In Fayette county, in 1914, one judge, term to begin February 9, 1915.

In Franklin county, in 1914, four judges, terms to begin January 1, 1915, and in 1918, two judges, the term of

Times for the election in each county and the beginning of the terms.

one to begin January 1, 1919, and the term of the other to begin February 9, 1919.

In Fulton county, in 1914, one judge, term to begin January 1, 1915.

In Gallia county, in 1914, one judge, term to begin January 1, 1915.

In Geauga county, in 1914, one judge, term to begin January 1, 1915.

In Greene county, in 1914, one judge, term to begin February 9, 1915.

In Guernsey county, in 1914, one judge, term to begin January 1, 1915.

In Hamilton county, in 1914, four judges, terms to begin January 1, 1915, and in 1918, five judges, terms to begin February 9, 1919.

In Hancock county, in 1916, one judge, term to begin January 1, 1917.

In Hardin county, in 1914, one judge, term to begin January 1, 1915.

In Harrison county, in 1918, one judge, term to begin April 18, 1919.

In Henry county, in 1914, one judge, term to begin May 9, 1915.

In Highland county, in 1918, one judge term to begin February 9, 1919.

In Hocking county, in 1916, one judge, term to begin January 1, 1917.

In Holmes county, in 1918, one judge, term to begin February 9, 1919.

In Huron county, in 1916, one judge, term to begin May 14, 1917.

In Jackson county, in 1914, one judge, term to begin January 1, 1915.

In Jefferson county, in 1918, one judge, term to begin February 9, 1919.

In Knox county, in 1914, one judge, term to begin January 1, 1915.

In Lake county, in 1916, one judge, term to begin January 1, 1917.

In Lawrence county, in 1918, one judge term to begin February 9, 1919.

In Licking county, in 1918, one judge, term to begin February 9, 1919.

In Logan county, in 1914, one judge, term to begin January 1, 1915.

In Lorain county, in 1916, one judge, term to begin January 9, 1917.

In Lorain county, in 1916, one judge, term to begin January 9, 1917.

In Lucas county, in 1914, two judges, the term of one to begin January 1, 1915, and the term of the other to begin October 29, 1915; in 1916, one judge, term to begin January 1, 1917, and in 1918, one judge, term to begin February 9, 1919.

In Madison county, in 1914, one judge, term to begin January 1, 1915.

Times for the election in each county and the beginning of the terms.

In Mahoning county, in 1916, one judge, term to begin January 1, 1917, and in 1918, one judge, term to begin February 9, 1919.

In Marion county, in 1916, one judge, term to begin January 1, 1917.

In Medina county, in 1914, one judge, term to begin January 1, 1915.

In Meigs county, in 1916, one judge, term to begin January 1, 1917.

In Mercer county, in 1914, one judge, term to begin January 1, 1915.

In Miami county, in 1918, one judge, term to begin February 9, 1919.

In Monroe county, in 1914, one judge, term to begin January 1, 1915.

In Montgomery county, in 1916, one judge, term to begin July 1, 1917, and in 1918, two judges, terms to begin January 1, 1919.

In Morgan county, in 1918, one judge, term to begin February 9, 1919.

In Morrow county, in 1914, one judge, term to begin January 1, 1915.

In Muskingum county, in 1914, one judge, term to begin August 9, 1915.

In Noble county, in 1918, one judge, term to begin April 18, 1919.

In Ottawa county, in 1918, one judge, term to begin February 9, 1919.

In Paulding county, in 1914, one judge, term to begin January 1, 1915.

In Perry county, in 1918, one judge, term to begin July 6, 1920.

In Pickaway county, in 1916, one judge, term to begin January 1, 1917.

In Pike county, in 1914, one judge, term to begin February 9, 1915.

In Portage county, in 1914, one judge, term to begin January 1, 1915.

In Preble county, in 1916, one judge, term to begin January 1, 1917.

In Putnam county, in 1914, one judge, term to begin May 9, 1915.

In Richland county, in 1918, one judge, term to begin February 9, 1919.

In Ross county, in 1914, one judge, term to begin February 9, 1915.

In Sandusky county, in 1918, one judge, term to begin February 10, 1919.

In Scioto county, in 1918, one judge, term to begin February 10, 1919.

In Seneca county, in 1914, one judge, term to begin January 1, 1915.

In Shelby county, in 1916, one judge, term to begin January 1, 1917.

Times for the election in each county and the beginning of the terms.

In Stark county, in 1916, one judge, term to begin April 16, 1917, and in 1918, one judge, term to begin February 9, 1919.

In Summit county, in 1918, two judges, the term of one to begin January 1, 1919, and the term of the other to begin February 9, 1919.

In Trumbull county, in 1914, one judge, term to begin January 1, 1915.

In Tuscarawas county, in 1914, one judge, term to begin January 1, 1915.

In Union county, in 1918, one judge, term to begin February 9, 1919.

In Van Wert county, in 1916, one judge, term to begin January 1, 1917.

In Vinton county, in 1914, one judge, term to begin January 1, 1915.

In Warren county, in 1918, one judge, term to begin February 9, 1919.

In Washington county, in 1916, one judge, term to begin January 1, 1917.

In Wayne county, in 1914, one judge, term to begin January 1, 1915.

In Williams county, in 1916, one judge, term to begin January 1, 1917.

In Wood county, in 1914, one judge, term to begin January 1, 1915.

In Wyandot county, in 1914, one judge, term to begin January 1, 1915.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original section 1532 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 5th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without approval hereof or objection hereto was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.

61 G.

[House Bill No. 55.]

AN ACT

To amend sections 6294, 6301 and 12613 of the General Code, relating to motor vehicles, and to subdivide section 6301 into section 6301 and section 6302.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 6294, 6301 and 12613 of the General Code be amended to read as follows:

Owners application; what it shall contain.

Sec. 6294. Every owner of a motor vehicle which shall be operated or driven upon the public roads or highways of this state shall, before the first day of March, 1914, and thereafter annually, before the first day of January of each year, except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, in the office of the secretary of state a written application for registration for the following year, beginning the first day of January of such year, on a blank to be furnished by the secretary of state for that purpose, containing a brief description of the motor vehicle to be registered, including the name of the manufacturer, the factory number of such vehicle, if it has such number, the amount of motive power, in figures or horse power, and the name, residence and address of the owner of such motor vehicle. Upon the filing of such application each such owner shall pay, or cause to be paid, to the secretary of state, a registration fee of two dollars for each motor bicycle, motorcycle or motor tricycle; three dollars for each electric motor vehicle; and five dollars for each gasoline or steam motor vehicle.

Registration fees.

Manufacturers' and dealers' application; fees.

Sec. 6301. A manufacturer or dealer in motor vehicles shall make application for registration, in like manner, as hereinbefore provided, of each gasoline, steam, electric or other make of motor vehicles, so manufactured and dealt in, and shall pay, or cause to be paid a registration fee of ten dollars for each make of motor bicycles, motorcycles, and motor tricycles named in such said application, and a registration fee of twenty dollars for each make of other motor vehicles named therein. * * *

Assignment of number; copies of registration certificate.

* * * * Thereupon, the secretary of state shall assign to each make of motor vehicles therein described a distinctive number, which must be carried and displayed by each motor vehicle of such like make in the manner provided in this chapter while it is operated on a public highway, until it is sold or let for hire. Such manufacturer or dealer, so registering a make of motor vehicle, may procure certified copies of such registration certificate upon the payment of a fee of two dollars for each such copy. With each of such certified copies the secretary of state shall furnish two placards with the same numbering as provided in the original registration certificate.

Chauffeurs' application; sworn statement required.

Sec. 6302. A person operating a motor vehicle, as chauffeur, shall file, by mail or otherwise, with the secretary of state, or his duly authorized agent, upon blanks prepared

under the authority of the secretary of state, an application for registration. The secretary of state shall appoint examiners and cause examinations to be held at convenient points throughout the state, as often as may be necessary. Before any certificate of registration is granted, the applicant shall pass such examination as to his qualifications as the secretary of state shall require. No chauffeur's certificate of registration shall be issued to any person under sixteen years of age. Every application for certificate of registration as chauffeur shall be sworn to before some officer authorized to administer oaths, and must contain the name and address of the applicant, together with a statement that he is of sound mind and memory and physically competent to operate a motor vehicle, together with a description of the vehicle, the trade name and kind or kinds of motor vehicles he is competent to operate, and whether or not such applicant has been convicted of violating a provision of this chapter or the penal statutes relating thereto, giving the date or place of such conviction, and the provisions of law so violated. Such said application for registration as chauffeur of a motor bicycle, motorcycle or motor tricycle shall be accompanied with a registration fee of one dollar, and such said application for registration as chauffeur of any other motor vehicle shall be accompanied by a registration fee of three dollars.

Examination of applicants and certificate of registration.

Sec. 12613. Whoever, being the owner of a motor vehicle, the manufacturer thereof, or dealer therein **** fails to have the distinctive number and registration mark, furnished by the secretary of state for such motor vehicle, displayed on the front and rear thereof, as an identification mark, securely fastened so as not to swing, shall be fined not more than fifty dollars.

Penalty for violations by owner, manufacturer or dealer.

SECTION 2. That said original sections 6294, 6301 and 12613 of the General Code be, and the same are hereby, repealed.

Repeals.

SECTION 3. This act is hereby declared to be an emergency law, necessary for the immediate preservation of public peace, health and safety. Such necessity arises from the fact that certain parts of an act to amend certain sections of the General Code, relating to motor vehicles, passed on April 28, 1913, and approved on May 6, 1913, have been declared to be unconstitutional by the court of appeals, thereby retaining in force certain parts of the law theretofore obtaining with reference to motor vehicles, there thus arising a condition of affairs necessitating the reading of the two laws together, which renders it impractical to enforce laws relating to the operation and police regulation, as well as the registration, of motor vehicles; and in addition thereto provides no protection to the public against the improper operation of motor bicycles, motorcycles and motor tricycles, in that there now exists no method of registering the same when such said motor bicycles, motorcycles and motor tricycles are being operated by the owners thereof; also, owners, operators and chauffeurs

Emergency act.

of motor vehicles have been unable to procure certificates of registration, owing to litigation arising under the aforesaid sections, which have been amended in this act, and, consequently, have no legal right to operate their vehicles upon the public streets and highways of the state, and are now only permitted so to do by sufferance, and are unable to ascertain the exact fees required of them for the registration of such said vehicles; and it is important that the aforesaid involved condition of the laws relating to motor vehicles be immediately removed. Therefore, this act shall take effect from and after its passage and approval.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.
62 G.

[House Bill No. 52.]

AN ACT

To amend sections 2252 and 2253 of the General Code (as contained in the act entitled "An act to amend certain sections of the General Code, relative to, et al., 103 O. L., page 405, at page 418 and 419) providing for the compensation of judicial officers, and additional compensation for judges of common pleas and superior courts," and to enact new sections to be known as sections 2252-1 and 2252-2.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2252 and 2253 of the General Code be amended and that section 2252 be supplemented by the addition of supplementary sections to be known as sections 2252-1 and 2252-2, to read as follows:

Additional compensation for judges of common pleas and superior courts; how paid.

Sec. 2252. In addition to the salary allowed by section 2251, each judge of the court of common pleas and of the superior court, shall receive an annual salary equal to twenty-five dollars for each one thousand population of the county in which he resided when elected or appointed, as ascertained by the federal census next preceding his assuming the duties of such office. In no case shall such additional salary be more than three thousand dollars.

Such additional salary shall be paid quarterly from the treasury of said county upon the warrant of the county auditor. If the judge resides in a county which comprises a judicial subdivision, such additional salary shall be paid

quarterly from the treasury of the county in which he resides; and if he resides in a county which is a part only of a judicial subdivision such additional salary shall be paid quarterly from the treasuries of the several counties of the subdivision, in proportion to such population thereof, upon the warrants of the auditors of such counties. If such judge resides in any county which is now a part only of a judicial subdivision, and which hereafter ceases to be a part only of such judicial subdivision, such additional salary shall, after such time as such county ceases to be a part only of such subdivision, be paid quarterly out of the treasury of such county upon the warrant of the auditor of such county.

Additional compensation when common pleas and probate courts combined.

Sec. 2252-1. When in any county, having a population of less than sixty thousand, as ascertained by the federal census next preceding such election, by a vote of the electors thereof, the probate court shall be combined with the court of common pleas, the resident judge of the court of common pleas with which such probate court has been so combined shall, after such office has been so combined, receive, in addition to the salary provided for in sections 2251 and 2252, an annual salary of one thousand dollars. Such additional salary shall be paid quarterly from the treasury of such county upon the warrant of the county auditor.

How salaries shall be paid.

Sec. 2252-2. All judges of the court of common pleas and superior courts and probate courts heretofore elected, shall, during the term for which they were elected, receive the salary, additional salary compensation and expenses provided for by law at the time of their election, the additional salary to be paid quarterly out of the treasury of the county in which such judge resides upon the warrant of the auditor of such county.

Expenses.

Sec. 2253. In addition to the annual salary and expenses provided for in sections 1529, 2251, 2252, 2252-1, each judge of the court of common pleas and of the court of appeals, shall receive his actual and necessary expenses, not exceeding three hundred dollars in any one year, incurred, while holding court in a county in which he does not reside, to be paid from the state treasury upon the warrant of the auditor of state, issued to such judge; each judge of the court of common pleas who is assigned by the chief justice by virtue of section 1469, to aid in disposing of business of some county other than that in which he resides, shall receive ten dollars per day for each day of such assignment, and his actual and necessary expenses incurred in holding court under such assignment, to be paid from the treasury of the county to which he is so assigned upon the warrant of the auditor of such county, and the amount allowed herein for actual and necessary expenses shall not exceed three hundred dollars in any one year.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN, *Attorney General.*

SECTION 2. That said original sections 2252 and 2253 of the General Code be and the same are hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.
63 G.

[House Bill No. 49.]

AN ACT

To amend section 15 of the General Code, relating to members of of the general assembly.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 15 of the General Code be amended to read as follows:

Members of General Assembly ineligible to certain appointments and employments.

Sec. 15. No member of either house of the General Assembly except in compliance with the provisions of this act shall;

(1) Be appointed as trustee or manager of a benevolent, educational, penal or reformatory institution of the state, supported in whole or in part by funds from the state treasury;

(2) Serve on any committee or commission authorized or created by the general assembly, which provides other compensation than actual and necessary expenses;

(3) Accept any appointment, employment or office from any committee or commission authorized or created by the general assembly, or from any executive, or administrative branch or department of the state, which provides other compensation than actual and necessary expenses.

Any such appointee, officer or employee who accepts a certificate of election to either house shall forthwith resign as such appointee, officer or employee and in case he fails or refuses to do so his seat in the general assembly shall be deemed vacant. Any member of the general assembly who accepts any such appointment, office or employment shall forthwith resign from the general assembly and in case he fails or refuses to do so his seat in the general assembly shall be deemed vacant. But the provisions of this section shall not apply to township officers, justices of the peace, notaries public or officers of the militia.

The sectional number herein is in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

SECTION 2. That said original section 15 of the General Code be and the same is hereby repealed.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 9th, 1914.

PRICE RUSSELL,
Veto Clerk.
64 G.

[House Bill No. 50.]

AN ACT

To amend sections 5584, 5590 and 5624-4 of the General Code (103 O. L., pages 788, 790 and 799), relating to the assessment of property for taxation.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 5584, 5590 and 5624-4 of the General Code be amended to read as follows:

Time when property shall be listed and when liability attaches.

Sec. 5584. Whenever any property is by any existing provision of law required to be listed or returned for taxation at any time between the second Monday of April and the third Monday of May, in any year, such property shall be listed or returned between the first Monday of April and the first Monday of June, annually; whenever any property is by any existing provision of law required to be valued as of the day preceding the second Monday of April, in any year, such property shall be valued as of the day preceding the first Monday of April, annually; and whenever the liability of any person or of any property to taxation is by any existing provision of law to be determined by reference to the day preceding the second Monday of April, said liability shall be determined by reference to the day preceding the first Monday of April; provided, that the provisions of this section shall not apply in any case where property is by any existing provision of law required to be returned for taxation to, or to be valued by, the tax commission of Ohio; nor in any case where the liability of any person or of any property to taxation is by any existing provision of law required to be originally determined by the tax commission.

Deductions from valuation for injured or destroyed property.

Sec. 5590. Whenever, after the first Monday of April and before the first day of October, in any year, it is made to appear to the district assessor, by the oath of the owner, or one of the owners, of a building or structure, land, or-

chard, timber, ornamental trees or groves, or tangibe personal property, or by the affidavit of two disinterested persons, residents of the township, city or village in which the same is or was situated, that such building, structure, land, orchard, timber, ornamental trees or groves, or tangible personal property is listed for taxation for the current year, and has been destroyed or injured by fire, flood, tornado, or otherwise, after the first Monday of April of the current year, he shall investigate the matter, and deduct from the valuation of the property of the owner of such destroyed property, on the tax lists for the current year, an amount which, in his judgment, fairly represents the extent of the injury or destruction; provided, however, that no such deduction shall be made in the case of an injury to, or destruction of, a building, structure, land, orchard, timber, ornamental trees or groves, resulting in damage of less than one hundred dollars, nor shall any deduction be made for or on account of any damage or loss which is covered by insurance, nor on account of any sheep killed by dogs. The district assessor shall certify the deductions made by him under the provisions of this section to the county auditor, who shall correct his tax list and the treasurer's duplicate in accordance therewith.

Auditor shall furnish list of transfers to assessor.

Sec. 5624-4. The auditor of each county shall, on the first Monday in April, 1915, make out and certify to the district assessor a list, showing all the transfers of the title to land made in the county subsequently to the first Monday in February, 1914. Annually thereafter the auditor shall make out and certify to the district assessor a list, showing all the transfers of title to land made in the county during the next preceding year. Such list shall show whether the transfer was made by will, by deed of conveyance, or by judgment or decree, the names of the devisor and devisee, grantor and grantee, and the parties in favor of and against whom a judgment or decree was rendered, with the title of the cause, the nature of the estate transferred, the character of the interest in the land conveyed, the quantity and location of the land or interest transferred, and in a part of a tract, of what tract it was a part when the whole tract was transferred, with reference to the book and page showing such transfer. Such list shall also show the consideration for each such transfer of title or the true value of the land transferred, as entered in his transfer book.

The sectional numbers herein are in conformity to the General Code.
TIMOTHY S. HOGAN,
Attorney General.

Section 2. That said original sections 5584, 5590 and 5624-4 of the General Code (1030, L. pages 788, 790 and 799), be and the same are hereby repealed. Repeals.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Passed February 16th, 1914.

The general assembly adjourned February 16th, 1914. This bill was presented to the governor February 26th, 1914, and without objection hereto or approval hereof was filed in the office of the Secretary of State March 10th, 1914.

PRICE RUSSELL,
Veto Clerk.

65 G.

JOINT RESOLUTIONS

[House Joint Resolution No. 1.]

JOINT RESOLUTION

Relative to printing extra copies of certain bills.

Resolved, That the clerk be, and he hereby is, instructed to cause to be printed for distribution five thousand copies of H. B. No. 13, four thousand copies of H. B. No. 14, one thousand copies of H. B. No. 15, and four thousand copies of H. B. No. 16.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted January 21, 1914.

1.

[House Joint Resolution No. 3.]

JOINT RESOLUTION

Relative to printing one thousand copies of reports of legislative canal commission.

Resolved, That the clerk of the house of representatives be and he is hereby authorized to have printed one thousand copies of the report of the legislative canal commission appointed in pursuance of S. J. R. No. 32.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted January 23, 1914.

2.

[House Joint Resolution No. 4.]

JOINT RESOLUTION

To provide for the printing of the report of the Ohio coal mining commission to the governor of Ohio.

Resolved, That the clerk of the house of representatives be and hereby is authorized and directed to have printed for general distribution three thousand copies of the "Report of the Ohio Coal Mining Commission to the Governor of Ohio."

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted January 30, 1914.

3.

[House Joint Resolution No. 6.]

JOINT RESOLUTION

Relating to "The Hamill Bill" now pending in congress.

WHEREAS, A measure is now pending in congress (House Bill No. 5139) otherwise known as "The Hamill Bill" which provides for the retirement of aged and infirm civil service employees, and

WHEREAS, The provisions of said bill are such that the saving effected by replacing aged employees now drawing the highest grades of salary with young men at the lower or entrance grades of salary would almost provide sufficient funds to initiate this plan of retirement, and

WHEREAS, Every member of the general assembly realizes and appreciates the loyal and efficient service of letter carriers and clerks to the public, therefore be it

Resolved, That this extraordinary session of the Ohio general assembly express its approval of the Hamill retirement bill and hopes for its passage.

Resolved, That a copy of this expression of good will and of approval be forwarded to the house of representatives and the senate of the United States at Washington, D. C.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted January 30, 1914.

4.

[House Joint Resolution No. 8.]

JOINT RESOLUTION

Relative to printing copies of the report of the Ohio state school survey commission to the governor of Ohio.

Resolved, That authority is hereby given to have printed ten (10,000) thousand copies of the "Report of the Ohio State School Survey Commission to the Governor of Ohio," to be delivered like other state publications to the secretary of state and by him distributed under the order of the clerk of the house of representatives or the clerk of the senate.

Resolved further, That each member of the general assembly shall be entitled to receive five copies of such report and that the remainder be distributed to such persons as shall pay the state the cost of the printing and distribution of the copies distributed to each.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted February 2, 1914.

5.

[House Joint Resolution No. 2.]

JOINT RESOLUTION

Relative to the delivery of bills and other legislative documents.

Be it resolved by the General Assembly of the state of Ohio:

That the clerk of the senate and clerk of the house of representatives are hereby directed to have printed one hundred and fifty copies of each bill and resolution passed by the present session, one-third of which copies shall be delivered by the printer to the clerk of the senate, and two-thirds of such copies to the clerk of the house.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted February 5, 1914.

6.

[Senate Joint Resolution No. 3.]

JOINT RESOLUTION

Relative to proper federal and state action to abate the loss sustained from hog cholera.

WHEREAS, It is estimated that on account of the ravages of cholera among hogs, the total annual diminution of the wealth of the United States is in excess of fifty millions of dollars; and

WHEREAS, It is further estimated that by reason of this disease there is a yearly waste of not less than ten pounds of pork for every man, woman and child in the nation,—a waste which if it could be prevented would aid materially in reducing the high cost of livng; and

WHEREAS, Its ravages have become a menace to the national health and welfare as well as being one of the most discouraging handicaps under which the American farmers labor; therefore

Be it resolved by the General Assembly of Ohio: That the congress of the United States be and it is hereby petitioned to enact the proper sanitary legislation to prohibit the interstate spread of this disease and to make such an appropriation of funds for its suppression as is commensurate with the magnitude of the damage and destruction inflicted by it upon the business and farming interests.

Be it further resolved, That the governor of this state be and he is hereby requested and directed to take all proper and necessary steps to secure conjoint action and co-operation on the part of all the state executives and legislatures to insure the complete eradication of this disease which threatens to destroy and ruin the hog industry of the entire country; and

Be it further resolved, That the governor be and he is hereby directed to forward duly authenticated copies of this resolution to the president of the United States, to the president of the senate of the United States and to the speaker of the house of representatives of the United States, together with each member of the senate and member of congress of

Ohio, with the request that the same be laid before the senate and house for prompt consideration.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted January 27, 1914.

7.

[Senate Joint Resolution No. 5.]

JOINT RESOLUTION

Be it resolved by the General Assembly of the state of Ohio:

That there is hereby authorized the publication of an additional one thousand copies of "Ohio Legislative History 1909-1913" with the same specifications as ordered for the fifteen hundred copies under the provisions of S. J. R. No. 36 at the regular session of the 80th general assembly; also

Resolved, That the entire edition be distributed by direction of the president of the senate and the speaker of the house of representatives.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted January 27, 1914.

8.

[House Joint Resolution No. 9.]

JOINT RESOLUTION

To authorize the printing and publication in pamphlet form of the acts passed at this session of the general assembly with regard to the school system of Ohio.

Be it resolved by the General Assembly of the state of Ohio:

That the superintendent of public instruction be and he is hereby directed and authorized to cause to be printed in pamphlet form for free distribution thirty-five thousand copies of all the school laws passed at this session of the general assembly. Of which one hundred copies shall be sent to each member of the general assembly, one hundred and fifty copies to each county auditor, the balance to be distributed by the superintendent of public instruction.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted February 5, 1914.

9.

[House Joint Resolution No. 12.]

JOINT RESOLUTION

Relative to recess.

Be it resolved by the General Assembly of the state of Ohio:

That when the senate and house of representatives recess on Friday, February 6, 1914, it be to meet again on Monday, February 16, 1914, at one-thirty p. m.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted February 6, 1914.

10.

[Senate Joint Resolution No. 1.]

JOINT RESOLUTION

Be it resolved by the 80th General Assembly of Ohio:

That a committee of three on the part of the senate and five on the part of the house of representatives be appointed to notify the governor that the general assembly is now in extraordinary session in obedience to his call.

C. L. SWAIN,
Speaker of the House of Representatives.
W. A. GREENLUND,
President of the Senate.

Adopted January 19, 1914.

11.

[Senate Joint Resolution No. 2.]

JOINT RESOLUTION

Inasmuch as the city of Columbus is honored today by the presence of Hon. Atlee Pomerene, United States Senator of the state of Ohio, and former lieutenant governor; therefore be it

Resolved by the General Assembly of the state of Ohio:

That the general assembly recess to meet at 1:30 p. m. in the hall of the house of representatives to listen to an address by the honorable sen-

ator, thereafter each body to return to its own hall for the transaction of its regular business.

C. L. SWAIN,
Speaker of the House of Representatives.

W. A. GREENLUND,
President of the Senate.

Adopted January 19, 1914.

12.

[Senate Joint Resolution No. 6.]

JOINT RESOLUTION

Be it resolved by the 80th General Assembly of the state of Ohio:

That a committee of six, three on the part of the senate to be appointed by the president of the senate and three on the part of the house of representatives to be named by the speaker, be named to arrange for a reunion of the members of the 80th General Assembly of Ohio during the season 1914.

C. L. SWAIN,
Speaker of the House of Representatives.

W. A. GREENLUND,
President of the Senate.

Adopted February 2, 1914.

13.

[House Joint Resolution No. 13.]

JOINT RESOLUTION

Relative to enrolling H. B. No. 55 in typewriting.

WHEREAS, On account of the lack of time to enroll house bill No. 55 in print, in accordance with section 66 of the General Code,

Be it resolved by the General Assembly of the state of Ohio:

That house bill No. 55 be enrolled in typewriting.

C. L. SWAIN,
Speaker of the House of Representatives.

W. A. GREENLUND,
President of the Senate.

Adopted February 16, 1914.

14.

[House Joint Resolution No. 14.]

JOINT RESOLUTION

Relative to adjournment.

Be it resolved by the General Assembly of the state of Ohio:

That when the senate and house of representatives adjourn today, February 16th, 1914, it be sine die.

C. L. SWAIN,
Speaker of the House of Representatives.

W. A. GREENLUND,
President of the Senate.

Adopted February 16, 1914.

15.

TIMES FOR HOLDING THE COURTS OF APPEALS AND COURTS OF COMMON PLEAS IN OHIO IN 1914.

Counties.	County Seats.	Appellate District.	Courts of Appeals.	District.	Sub-Division.	Courts of Common Pleas.
Adams	West Union	4	March 17, November 24	7	3	February 16, May 18, October 12.
Allen	Lima	3	January 6, September 16	3	1	January 5, April 13, November 9.
Ashland	Ashland	5	April 21, October 20	6	2	January 12, April 6, September 14.
Ashtabula	Jefferson	7	January 26, August 31	9	3	January 5, April 6, September 28.
Athens	Athens	4	January 13, October 13	7	1	February 9, May 4, November 9.
Auglaize	Wapakoneta	3	January 6, September 16	8	2	January 5, April 6, October 5.
Belmont	St. Clairsville	7	May 11, December 7	8	2	January 6, March 24, September 22.
Brown	Georgetown	4	March 24, November 26	5	1	January 13, April 28, October 13.
Butler	Hamilton	1	April 13, October 12	2	1	January 5, May 4, October 5.
Carroll	Carrollton	7	February 10, September 15	9	1	January 12, May 11, September 21.
Champaign	Urbana	2	April 8, October 28	2	2	January 5, May 4, October 5.
Clark	Springfield	2	May 18, November 30	2	2	January 5, May 4, October 5.
Clermont	Batavia	1	April 6, October 5	5	1	January 19, April 13, September 28.
Clinton	Wilmington	1	April 27, October 26	2	3	January 5, May 4, October 5.
Columbiana	Lisbon	7	April 6, November 9	9	1	January 19, May 18, September 14.
Coshocton	Coshocton	5	May 26, November 24	6	3	January 12, April 6, September 14.
Crawford	Bucyrus	3	January 6, September 16	10	2	January 26, May 11, October 12.
Cuyahoga	Cleveland	8	January 5, October 13	11	———	January 5, April 6, July 13, September 1.
Darke	Greenville	2	April 27, November 16	2	2	January 5, May 4, October 5.
Defiance	Defiance	3	January 6, September 16	3	3	January 12, May 4, November 2.
Delaware	Delaware	5	May 19, December 1	6	1	January 5, April 6, September 14.
Erie	Sandusky	6	April 6, September 21	4	1	January 5, April 6, September 14.
Fairfield	Lancaster	5	April 7, September 15	7	2	January 5, April 20, October 26.
Fayette	Washington C. H.	2	May 11, November 23	5	2	January 5, May 4, October 5.
Franklin	Columbus	2	January 5, September 14	5	3	January 5, April 13, September 14.
Fulton	Wauseon	6	May 18, November 4	3	3	March 23, June 8, October 26.
Gallia	Gallipolis	4	February 10, November 4	7	2	January 5, April 6, September 28.
Geauga	Chardon	7	February 4, September 9	9	3	January 5, April 6, September 14.
Greene	Xenia	2	March 30, October 19	2	3	January 5, May 4, October 5.
Guernsey	Cambridge	7	April 20, November 16	8	1	February 2, May 4, October 12.
Hamilton	Cincinnati	1	January 5, November 2	1	———	1st Monday January, April, July and October.
Hancock	Findlay	3	January 6, September 16	10	1	January 5, April 13, September 14.
Hardin	Kenton	3	January 6, September 16	10	1	February 9, May 11, September 21.
Harrison	Cadiz	7	April 27, November 23	8	3	January 6, March 24, September 1.
Henry	Napoleon	3	January 6, September 16	3	2	January 6, April 7, September 29.
Highland	Hillsboro	4	March 31, December 1	5	2	January 5, May 4, October 5.
Hocking	Logan	4	January 20, October 20	7	2	January 12, April 20, October 26.
Holmes	Millersburg	5	April 2, October 27	6	3	February 9, May 4, October 12.
Huron	Norwalk	6	April 13, September 28	4	1	January 12, April 13, September 21.
Jackson	Jackson	4	May 5, December 17	7	3	January 19, April 20, September 21.
Jefferson	Steubenville	7	May 14, December 14	8	3	January 5, April 6, September 8.
Knox	Mt. Vernon	5	March 24, October 13	6	1	February 2, May 4, October 19.
Lake	Painesville	7	February 2, September 7	9	3	January 26, May 4, October 12.
Lawrence	Ironton	4	February 17, November 10	7	3	January 19, May 11, November 16.
Licking	Newark	5	March 3, October 6	6	1	January 5, April 6, September 14.

Licking	Newark	5	March 3, October 6	6	1	January 5, April 6, September 14.
Logan	Bellefontaine	3	January 6, September 16	10	3	January 2, May 11, October 19.
Lorain	Elyria	8	April 6, October 5	4	2	January 5, April 6, September 28.
Lucas	Toledo	6	January 5, November 9	4	3	January 5, April 6, September 14.
Madison	London	2	April 6, October 26	5	2	February 23, May 18, November 2.
Mahoning	Youngstown	7	March 2, October 5	9	2	January 5, May 4, September 7.
Marion	Marion	3	January 6, September 16	10	2	January 26, May 11, October 12.
Medina	Medina	8	April 2, September 29	4	2	January 12, April 13, September 21.
Meigs	Pomeroy	4	February 3, October 29	7	2	February 2, May 4, October 26.
Mercer	Celina	3	January 6, September 16	3	1	February 9, May 11, November 9.
Miami	Troy	2	April 13, November 2	2	2	January 5, April 6, October 5.
Monroe	Woodsfield	7	May 5, December 1	7	1	January 6, March 31, September 22.
Montgomery	Dayton	2	May 25, December 7	2	3	January 5, April 6, October 5.
Morgan	McConnelsville	2	May 14, November 4	2	3	January 6, April 7, October 6.
Morrow	Mt. Gilead	5	June 2, December 8	6	2	January 26, April 20, September 28.
Muskingum	Zanesville	5	May 5, November 10	8	1	January 5, April 6, September 21.
Noble	Caldwell	7	May 4, November 30	8	1	January 5, April 6, September 14.
Ottawa	Port Clinton	6	April 27, October 12	4	1	February 16, April 20, November 9.
Paulding	Paulding	3	January 6, September 16	3	3	January 12, April 13, October 5.
Perry	New Lexington	5	April 28, November 17	7	1	January 12, March 24, November 9.
Pickaway	Circleville	4	April 7, December 8	5	2	January 5, April 6, October 5.
Pike	Waverly	4	April 28, December 15	7	3	March 23, May 18, November 9.
Portage	Ravenna	7	February 23, September 28	9	2	January 5, April 6, September 7.
Preble	Eaton	2	April 22, November 11	2	2	January 5, May 4, October 5.
Putnam	Ottawa	3	January 6, September 16	3	2	February 23, May 25, November 2.
Richland	Mansfield	5	January 6, September 8	6	2	January 5, April 6, September 14.
Ross	Chillicothe	4	April 14, December 10	5	2	January 5, April 6, October 5.
Sandusky	Fremont	6	April 20, October 5	4	1	January 5, April 6, September 14.
Scioto	Portsmouth	4	March 3, November 17	7	3	February 9, April 20, September 14.
Seneca	Tiffin	3	January 6, September 16	10	1	January 5, April 13, September 21.
Shelby	Sidney	2	April 20, November 9	3	1	January 5, April 20, October 19.
Stark	Canton	5	February 3, September 29	9	1	January 5, May 4, September 14.
Summit	Akron	8	March 23, September 16	4	2	January 5, April 13, September 21.
Trumbull	Warren	7	February 16, September 21	9	2	January 19, April 20, September 21.
Tuscarawas	New Phi'adelphia	5	June 9, December 15	8	3	January 5, April 6, September 14.
Union	Marysville	3	January 6, September 16	10	3	January 5, April 6, September 14.
Van Wert	Van Wert	3	January 6, September 16	3	3	January 19, May 4, November 9.
Vinton	McArthur	4	January 27, October 27	7	2	March 16, June 1, December 7.
Warren	Lebanon	1	April 30, October 29	2	3	January 5, April 6, October 12.
Washington	Marietta	4	January 6, October 6	7	1	January 12, April 20, October 12.
Wayne	Wooster	5	January 27, September 22	6	3	February 9, May 4, October 12.
Williams	Bryan	6	May 11, October 26	3	3	February 23, May 4, September 28.
Wood	Bowling Green	6	May 4, October 19	10	1	January 5, April 13, September 14.
Wyandot	Upper Sandusky	3	January 6, September 16	10	2	February 16, June 8, September 21.

The State of Ohio,
Office of the Secretary of State.

I, CHAS. H. GRAVES, Secretary of State of the State of Ohio, do hereby certify that the foregoing is a correct statement of the times for holding the Courts of Appeals and Courts of Common Pleas in the several counties of the State of Ohio, in the year 1914, taken from the official lists returned by the judges of said Courts to this office.

Witness my hand and official seal, this twenty-fourth day of November, A. D. 1913.
(Seal.)

CHAS. H. GRAVES,
Secretary of State.

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N. B. Am. signifies amended.
A. & S. signifies amended and supplemented.
Sup. signifies supplemented.
R. signifies repealed.

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N. B. Am. signifies amended.
A. & S. signifies amended and supplemented.
Sup. signifies supplemented.
R. signifies repealed.

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N. B. Am. signifies amended.
A. & S. signifies amended and supplemented.
Sup. signifies supplemented.
R. signifies repealed.

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